

**Rocky Flats
National Wildlife Refuge**

**Comments and Responses on the
Draft Environmental Impact Statement**

**Appendix H
to the
Final Comprehensive Conservation Plan and
Environmental Impact Statement**

September 2004

Prepared for:

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1. Introduction

This document is Appendix H to the Final Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). This document includes the following components:

- Copies of written comments from agencies, businesses, and organizations, with responses to those comments
- A summary of comments from individuals, and responses to individual comments
- A summary of petitions and form letters received
- Transcripts of the public hearing testimony

The Draft Rocky Flats National Wildlife Refuge CCP/EIS was released to the public for a 45-day comment period on February 19, 2004. In addition, the U.S. Fish and Wildlife Service (Service) held a series of four public hearings in Westminster, Boulder, Arvada, and Broomfield to allow public input on the proposed rehabilitation plan and alternatives. The Service received over 5,000 comments through public hearing testimony, letters, emails. Comments came from 251 individuals and 34 agencies or organizations. The Service also heard from 933 people through form letters and petitions. This Appendix addresses the substantive comments. Comments, as defined by NEPA compliance guidelines, are considered substantive if they:

- Question, with reasonable basis, the accuracy of the information in the document
- Question, with reasonable basis, the adequacy of the environmental analysis
- Present reasonable alternatives other than those presented in the environmental impact statement
- Cause changes or revisions in the proposal

Comments and responses are divided into two sections. The first section includes copies of the substantive comments made by government agencies, organizations, and businesses. Beside each reproduced letter is the numbered response of the U.S. Fish and Wildlife Service (Service) corresponding to each specific comment.

The second part of the response to comments includes a summary of the comments made by the general public or other entities. Many of the comments made by the public were similar to the range of issues and concerns that are addressed in the first section. Rather than print every letter from individuals, the Service has summarized the main topics of the comments received and has responded to the comment topics that are substantive. All public comments and hearing testimony will be available for review at the Front Range Community College Library, Rocky Flats Reading Room or at the Rocky Mountain Arsenal National Wildlife Refuge Visitor Center on weekends. Where appropriate, the text of the Final CCP/EIS has been revised to address comments.

2. Agency, Business, and Organization Comments

1. U.S. Department of Energy
2. U.S. Environmental Protection Agency
3. Colorado Department of Public Health and Environment
4. Colorado Division of Wildlife
5. Colorado Department of Transportation
6. Colorado Department of Agriculture - State Weed Program
7. Rocky Flats Coalition of Local Governments
8. City of Arvada
9. City of Boulder – City Council
10. City of Boulder – Open Space and Mountain Parks
11. City and County of Broomfield
12. City of Westminster
13. Town of Superior
14. Boulder County Commissioners
15. Boulder County Parks and Open Space
16. Jefferson County
17. City of Golden – Mayor’s office
18. City of Golden – City Manager
19. Woman Creek Reservoir Authority
20. Alliance for Nuclear Accountability
21. Boulder Area Trails Coalition
22. Boulder County Horse Association
23. Church Ranch
24. Colorado Wildlife Federation
25. League of Women Voters – Jefferson County
26. National Wildlife Federation
27. Plan Jeffco
28. Prairie Preservation Alliance
29. Rocky Flats Citizen Advisory Board
30. Rocky Flats Cold War Museum
31. Rocky Mountain Peace and Justice Center
32. Sierra Club
33. Wheelin’ Sportsmen
34. Wildlife Management Institute

| Comment # | Letter #1 | Response |
|-----------------------|--|--|
| <p>1-1</p> <p>1-2</p> |  <p style="text-align: center;">Department of Energy</p> <p style="text-align: center;">ROCKY FLATS PROJECT OFFICE 10808 HIGHWAY 93, UNIT A GOLDEN, COLORADO 80403-8200</p> <p style="text-align: center;">APR 21 2004</p> <p style="text-align: center;">RECEIVED APR 27 2004</p> <p style="text-align: right;">04-DOE-00274</p> <p style="text-align: center;"><i>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</i></p> <p>Mr. Ralph Morganweck Regional Administrator Rocky Flats National Wildlife Refuge Building 111 Commerce City, CO 80022</p> <p>Dear Mr. Morganweck:</p> <p>The Rocky Flats Project Office has reviewed the Comprehensive Conservation Plan (CCP)/Environmental Impact Statement describing management alternatives for the Rocky Flats National Wildlife Refuge. Additionally, I have received considerable positive feedback regarding the public process implemented by you and your staff. Let me compliment you on both an excellent document and an open process that presented many opportunities for local governments, special interest groups, and the general public to fully participate.</p> <p>The U.S. Department of Energy (DOE) is not recommending any particular use options identified in the CCP, and DOE does not believe any of the use options will impact completed or contemplated response actions. Also, let me assure you that the site will be safe for any of the use options you have identified. In fact, cleanup will be well beyond that required to be protective of the future refuge worker and refuge visitor.</p> <p>As you know, the Environmental Protection Agency (EPA) must certify completion of cleanup and closure of the site before administrative jurisdiction of any land can be transferred to the Department of Interior for use as a National Wildlife Refuge. The DOE intends to seek this certification from EPA as soon as practicable following cleanup and closure of Rocky Flats. Given the conservative nature of the cleanup, I am optimistic that this certification can be obtained quickly, and am confident that the management alternative you select will make Rocky Flats a valuable addition to the National Wildlife Refuge System.</p> <p style="text-align: center;">Sincerely,</p>  <p style="text-align: center;">Frazer R. Lockhart Manager</p> <p>cc: R. Roberts, EPA D. Benevento, CDPHE D. Rundle, USFWS C. Franklin, RFPO L. Shannon, USFWS</p> | <p>1-1. Thank you for your comments.</p> <p>1-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure.</p> |

| Comment # | Letter #2 | Response |
|-----------------------|---|---|
| <p>2-1</p> <p>2-2</p> |  <p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 999 18TH STREET - SUITE 300 DENVER, CO 80202-2466 Phone 800-227-8917 http://www.epa.gov/region08</p> <p>APR 23 2004</p> <p>Ref: EPR-N</p> <p>Laurie Shannon Planning Team Leader Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan U.S. Fish and Wildlife Service Rocky Mountain Arsenal- Building 121 Commerce City, Colorado 80022</p> <p>RE: Rocky Flats National Wildlife Refuge DEIS and CCP</p> <p>Dear Ms. Shannon,</p> <p>In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the U.S. Fish and Wildlife Service's (FWS) <i>Rocky Flats National Wildlife Refuge (NWR), Environmental Impact Statement and Comprehensive Conservation Plan Draft Environmental Impact Statement (DEIS)</i>, dated February 2004. We appreciate the time and effort that went into the productive April 21, 2004 meeting between EPA and FWS. The following letter is based on our review of the DEIS and is also intended to reflect the discussion at the April meeting.</p> <p>At the conclusion of the Department of Energy (DOE)/ Colorado Department of Public Health and the Environment (CDPHE)/ EPA Rocky Flats cleanup and closure process, EPA will certify that cleanup and closure have been completed, except for operation and maintenance concerned with response actions, and that all response actions are operating properly and successfully. Administrative jurisdiction over the property that is to comprise the refuge will be transferred to the Department of the Interior, the refuge will be established, and FWS will commence administration of this property in accordance with the Rocky Flats National Wildlife Refuge Act of 2001 (the Act). In order to fulfil the intent of the Act and to ensure the long-term integrity of the cleanup, recreational access to some areas of the DOE parcel may be restricted as delineated through the cleanup process. EPA is confident that all DEIS action alternatives will ensure that Refuge staff, recreationists and animal inhabitants will not experience harmful levels of exposure through their experience at the NWR.</p> <p> Printed on Recycled Paper</p> | <p>2-1. Thank you for your comments.</p> <p>2-2. Thank you for your comments.</p> |

| Comment # | Letter #2 continued | Response |
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| <p>2-3</p> | <p>For future administration of the NWR, the FWS proposes to govern recreation and ecological restoration activities while promoting and preserving wildlife habitat. The action alternatives each uphold the principles of the Refuge Act while allowing for varying intensities of potentially compatible recreation activities. Alternative A is the “no action” alternative and includes only the continued implementation of the Rock Creek Reserve Integrated Natural Resource Management Plan. Alternative B is the proposed action and analyzes the activities that balance wildlife habitat effectiveness with public use. Alternative C emphasizes ecological restoration and includes only limited public access, and Alternative D focuses on a greater intensity of wildlife-dependent public activities.</p> <p>The DEIS adequately analyzes many of the multi-use pressures and management actions within the jurisdictional boundaries of the Refuge that could threaten or enhance the Refuge’s “wildlife-first” mission. The DEIS considers recreation and resource management that would not contribute to the degradation of ecosystem processes, including efforts to minimize the risk of noxious and invasive weed establishment and spread. The DEIS also clearly identifies most potential impacts from the proposed gravel mining operations within the Rocky Flats DOE boundary and identifies the incompatibility of these operations with successful FWS Refuge management.</p> | <p>2-3. Thank you for your comments.</p> <p>2-4. The appropriate sections have been revised in the FEIS to better describe the DOE retained area, issues related to an adjacent transportation corridor, regional population growth, and gravel mining. Responses to comments 2-7 through 2-15 discuss these issues in greater detail.</p> <p>2-5. See response to comment 2-4.</p> |
| <p>2-4</p> | <p>While the DEIS does an excellent job analyzing the possible management actions on the lands that will be directly under FWS jurisdiction, the DEIS does not adequately discuss the cumulative analysis area and the potential pressures that may be outside of FWS jurisdiction but may significantly affect the ability to attain Refuge ecological goals. Specifically, these activities include restoration and maintenance of the DOE retained lands, transportation corridor development, population growth in the area and gravel mining. While we recognize that FWS may have little control in decisions that are made regarding adjacent activities, the use and management of adjacent lands can adversely effect the NWR’s mission and should be disclosed in the context of the resources the Refuge intends to protect. This analysis is important to inform citizens, local governments, and government agencies of general Refuge needs and help each party to integrate their planning processes where possible. These suggestions are further described in the enclosed Detailed Comments and largely parallel the main topics of discussion at the April 21 meeting.</p> | |
| <p>5</p> | <p>Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS, the Proposed Actions identified by the DEIS for the <i>Rocky Flats NWR CCP</i> analysis will be listed in the <u>Federal Register</u> in the category EC-2, “Environmental Concerns- Needs Information.” This rating means that, without additional discussion of environmental impacts from adjacent land uses, the potentially large impacts to the Refuge will be difficult to control, avoid or mitigate. The DEIS should include additional information regarding potential indirect impacts of the proposed development of the transportation corridor, identify feasible mitigation measures to offset those impacts, and include further discussion of the DOE retained area in terms of weed dispersal and projected final contamination levels. We have enclosed a summary of EPA’s rating criteria and definitions.</p> | |

| Comment # | Letter #2 continued | Response |
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| 2-6 | <p>We have found that NEPA can be a powerful tool to connect and inform local processes and decisions. The DEIS often refers to FWS's desire to engage in partnerships with adjacent land users, and we earnestly support these efforts. As a composite analysis of the proposed project in the landscape, this DEIS should disclose all available information and anticipated requirements to facilitate such discussions and to guide future decisions toward protection of Refuge functions. We would be happy to participate and assist with these efforts.</p> <p>We appreciate that the FWS has taken the time to discuss these concerns with us. If there are any additional questions about these issues or you would like further assistance incorporating this information into the project, please call me at 303-312-6004 or Amy Bergstedt at 303-312-6647.</p> <p>Sincerely,</p>  <p>Larry Svoboda Director, NEPA Program Office of Ecosystems Protection and Remediation</p> <p>cc: Daniel Miller, State of Colorado Steven Gunderson, CDPHE Representative Mark Udall Joe Legare, DOE Steven Sherman, CDOT Region 6</p> <p>3</p> | <p>2-6. The FEIS discloses the cumulative effects of all reasonably foreseeable activities on the Refuge.</p> |

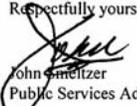
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| <p>2-7</p> | <p style="text-align: center;">EPA’S DETAILED COMMENTS FOR THE FWS’S ROCKY FLATS NWR, DRAFT ENVIRONMENTAL IMPACT STATEMENT AND COMPREHENSIVE CONSERVATION PLAN</p> <p>As stated in EPA’s scoping comments (June 10, 2003), “in order for the FWS to protect the vision of the NWR, it will be essential to carefully manage any activities that could contribute to the degradation of internal and external wildlife corridors, ecosystem processes (including important natural disturbances such as fire), and increased risk of noxious and invasive weed establishment and spread.” Because ecosystem processes occur over landscapes irrespective of jurisdictional boundaries, it will be impossible to manage such processes in isolation. Attempting to do so could result in rendering efforts to establish a functional ecosystem expensive and potentially futile.</p> <p>EPA’s review of the DEIS found the primary weakness is the lack of analysis and discussion of the potential for adjacent actions and land uses to adversely affect the ability of the Refuge to meet its ecological goals and objectives. The most significant adjacent activities include the DOE-retained land following cleanup, gravel mining operations, the likely transportation infrastructure development (i.e. Northwest Corridor or Indiana Street expansion), and the population growth expected in the surrounding area. Our concerns are similar with each of these activities.</p> <p><i>Non-Native Vegetation</i></p> <ul style="list-style-type: none"> • Due to the suburban atmosphere, anticipated recreation and adjacent land use, weed migration is likely to become a significant management issue. The DEIS should recommend weed mitigation measures (i.e. prevention, control, and native species guidance) specific to adjacent lands that could increase the chance the Refuge will maintain low weed populations and desired ecological functions. <p>2-8</p> <ul style="list-style-type: none"> • The DEIS should also discuss the risk that adjacent properties, including the DOE-retained lands and disturbed soil therein, could become an epicenter for weed migration. The DEIS should disclose the potentially significant economic and ecological impact to the Refuge from having weed hot spots on DOE or other adjacent lands. For adjacent properties, the DEIS should also recommend vegetation and soil management practices, including suggested quantitative standards for native vegetation and limits for noxious species that could reduce the likelihood of impacts to the Refuge if implemented. <p>2-9</p> <p><i>DOE-Retained Lands</i></p> <ul style="list-style-type: none"> • Since the Refuge will fully surround the DOE-retained cleanup lands, the DEIS should include environmental information associated with the DOE parcel. EPA is ultimately responsible for certifying cleanup and closure that will insure acceptable levels of risk associated with hazardous materials and establish performance criteria to insure successful revegetation of the DOE-retained parcel. However, the projected guidelines (e.g., acceptable risk to Refuge workers, visitors and ecological populations, establishment of native vegetation, prohibition of noxious <p>2-10</p> | <p>2-7. Specific responses to these concerns are addressed in response to comments 2-8 through 2-15.</p> <p>2-8. Adjacent properties are subject to state and county weed laws. The Service will continue to work with adjacent property owners and local governments to minimize the establishment and spread of noxious weeds.</p> <p>2-9. DOE has had an on-going weed management program to control noxious weeds. Weed management in the DOE retained area will be addressed in the final cleanup plans. The Service will continue to work with the DOE, EPA and CDPHE (RFCA parties) to ensure post-cleanup revegetation plans will minimize the establishment and spread of noxious weeds. The potential cumulative effects of weeds from DOE retained land on the Refuge are discussed in the <i>Cumulative Impacts</i> section of Chapter 4.</p> <p>2-10. The FEIS was revised to include a discussion about issues related to residual contamination and the DOE retained area (Section 1.8). In the DEIS, the Service and DOE indicated their goal was that the demarcation between the Refuge and the DOE retained area be “seamless” with few obvious visual differences. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. With regard to specific habitat and weed management recommendations, see response to comment 2-9.</p> |

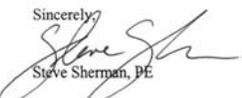
| Comment # | Letter #2 continued | Response |
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| <p>2-11</p> <p>2-12</p> <p>2-13</p> | <p>weeds) and expected institutional controls (e.g., unobtrusive fencing design) associated with closure of the contaminated area should be discussed to clearly establish how potential impacts from the lands adjacent to the Refuge are expected to be managed. Please disclose the expected guidelines that have been established in order to meet the objectives of the Refuge and to meet the goals for establishing a “seamless property” (DEIS p.1; s.4).</p> <p><i>Potential Transportation Corridor Development</i></p> <ul style="list-style-type: none"> The DEIS should describe the likely direct, indirect, and cumulative effects of building transportation infrastructure in the area surrounding Rocky Flats, specifically including the development of the easement corridor along the East edge of the Refuge, which is a reasonably foreseeable action. Impacts to the Refuge could include habitat loss, loss of habitat connectivity, direct or indirect mortality, avoidance behavior, competition with increased non-native plant and animals, noise, and loss of night security to street lighting. It is therefore important the FEIS recommend mitigation measures that would prevent or reduce likely adverse impacts from highway or road development to the Refuge and its ecological function. This EIS is an opportunity to discuss the standards and practices that would assure the Refuge could continue to function optimally as the surrounding area develops. Such practices could include: development alterations such as restricted or angled lighting, noise walls, creating or obstructing wildlife migration corridors across roadways, under- or overpasses, interchange placement, and storm water best management practices, etc.. Similarly, EPA did not find an analysis in the DEIS of the potential effects to refuge ecological function from existing, adjacent transportation corridors (Hwy 93, 128, 72 and Indiana St.). If there are actions or management practices – such as those suggested in our previous comment – that could reduce the impact of these roads to Refuge functions and values, they should be identified in the FEIS to inform future decisions regarding the maintenance and enhancement of these routes. <p><i>Area Growth Projections/ Cumulative Effects</i></p> <ul style="list-style-type: none"> Since substantial population growth and development is projected for the area neighboring the Refuge (see DRCOG projections), we recommend the DEIS disclose potential impacts of these changes to maintaining wildlife and other Refuge functions. Such impacts could include: unfavorable interactions between resident predators and domestic animals; increased popularity and associated degradation of the NWR; increased wildlife isolation, decreased mobility to adjacent open space, changes to water quality and air quality. We suggest these impacts be addressed in the urban development discussions. Again, participating in open discussions with neighboring partners during local planning processes will help these impacts to be universally understood and potentially offset. <p style="text-align: center;">2</p> | <p>2-11. The Service believes under NEPA that the cumulative effects of reasonably foreseeable activities when combined with the proposed action must be disclosed. The Service believes some transportation improvements in the area surrounding Rocky Flats is a reasonably foreseeable activity, but the location of any particular transportation improvement, such as along the east edge of the Refuge, is speculative and not reasonably foreseeable.</p> <p>The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>2-12. The effects of existing adjacent transportation corridors surrounding Rocky Flats are disclosed as part of the affected environment.</p> <p>2-13. Urban growth and development was identified in the DEIS and FEIS as a reasonably foreseeable activity. Much of the land surrounding the Refuge is open space and will not host any urban growth and development (see Figure 11). The FEIS was revised to include additional projections of regional urban growth near the Refuge, based on DRCOG projections. Additional analysis of the potential impacts of regional urban growth is included in the cumulative impact sections of Chapter 4.</p> |

| Comment # | Letter #4 | Response |
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| 2-14 | <p><i>Gravel Mining Operations</i></p> <ul style="list-style-type: none"> Please disclose to what extent the existing and permitted mining operations could adversely affect the hydrology at the NWR. If the hydrology in connected aquatic systems is subsequently altered through vegetated but persistent 30-40 feet deep mining depressions, this would adversely affect FWS's restoration of portions of the watershed and associated Endangered Species habitat. | <p>2-14. Section 2.10 – <i>Reasonably Foreseeable Activities</i> has been revised to include a discussion of mining impacts to groundwater based on information in the existing mining permits. The cumulative effects discussions in Chapter 4 for water resources, vegetation communities, wildlife, and threatened and endangered species have also been revised to include an additional discussion of the potential impacts of gravel mining on these resources.</p> |
| 2-15 | <p>Seamless Property</p> <ul style="list-style-type: none"> The EIS (p.1; s.4) refers to the concept of “seamless property” as being important to the function of the Refuge. EPA strongly supports the concept of seamless property management, a goal which is also reflected in the Rocky Flats National Wildlife Refuge Act of 2001, Section 3172 (a) (4): “The national interest requires that the ongoing cleanup and closure of the <i>entire site</i> be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and <i>managed so as to preserve the value of the site for open space and wildlife habitat</i>” (<i>emphasis added</i>). The EIS should clearly identify the intention to establish a seamless property, and indicate that FWS will work with DOE to create property boundaries that meet the management goals (when feasible), as intended by the Act. | <p>2-15. See response to comment 2-10.</p> |

| Comment # | Letter #3 | Response |
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| | <p style="text-align: center;">STATE OF COLORADO</p> <hr/> <p>Bill Owens, Governor Douglas H. Benevento, Executive Director</p> <p>Dedicated to protecting and improving the health and environment of the people of Colorado</p> <p>4300 Cherry Creek Dr. S. Laboratory Services Division Denver, Colorado 80246-1530 8100 Lowry Blvd. Phone (303) 692-2000 Denver, Colorado 80230-6928 TDD Line (303) 691-7700 (303) 692-3090 Located in Glendale, Colorado http://www.cdphe.state.co.us</p> <div style="text-align: right;">  Colorado Department of Public Health and Environment </div> <div style="text-align: center; margin-top: 20px;"> <p>RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <p>April 23, 2004</p> <p>Ms. Laurie Shannon U.S. Fish and Wildlife Service Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan Building 121 Commerce City, CO 80022</p> <p>RE: Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS)</p> <p>Dear Ms. Shannon:</p> <p>3-1 The Colorado Department of Public Health and Environment (CDPHE) has reviewed the Draft Rocky Flats CCP and EIS. Department representatives have also attended CCP/EIS public agency scoping meetings and workshops that were hosted by FWS, and have participated in discussions along with FWS concerning the CCP/EIS process and Draft with the Rocky Flats Citizens Advisory Board and Rocky Flats Coalition of Local Governments.</p> <p>3-2 Final cleanup decisions related to Rocky Flats will be determined after completion of the Comprehensive Risk Assessment, which will lead to the Remedial Investigation/Feasibility Study (RI/FS) and ultimately the Corrective Action Decision/Record of Decision (CAD/ROD). The ultimate determination on the precise boundaries between lands transferred to FWS to become part of the Refuge and lands retained by DOE, and the physical and institutional controls required to protect the cleanup remedy (including any needed fencing) will be made at the time of the CAD/ROD. DOE will retain under their jurisdiction the current Industrial Area, the Buffer Zone retention ponds, ground water treatment systems, the two existing landfills, and the area of surface plutonium contamination located east of the 903 Pad with contamination levels above approximately 7 picocuries per gram. These lands will not become part of the Refuge, and will not be available for public access.</p> <p>The soil and water action levels that are being used to conduct the cleanup work currently underway at the site are deemed to be protective to the maximum exposed individual who is anticipated to be present</p> | <p>3-1. Thank you for your participation in the CCP process.</p> <p>3-2. The Service acknowledges that final cleanup decisions have not yet been determined, and that prior to Refuge establishment, remaining contaminant concentrations will be protective of Refuge visitors, workers, the general public, and wildlife.</p> |

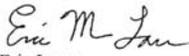
| Comment # | Letter #3 continued | Response |
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| | <p>on site, the wildlife refuge worker. Accordingly, CDPHE anticipates that the final remedy for Rocky Flats will be protective to both refuge workers and members of the public for all four refuge alternatives as described in the Draft CCP/EIS.</p> <p>Sincerely,</p>  <p>Steven H. Gunderson Rocky Flats Project Coordinator</p> | |

| Comment # | Letter #4 | Response |
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| <p>4-1</p> <p>4-2</p> <p>4-3</p> | <p>STATE OF COLORADO Bill Owens, Governor DEPARTMENT OF NATURAL RESOURCES DIVISION OF WILDLIFE AN EQUAL OPPORTUNITY EMPLOYER Bruce McCloskey, Acting Director 6060 Broadway Denver, Colorado 80216 Telephone: (303) 297-1192</p> <p>April 14, 2004</p> <p>Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR Commerce City, Colorado 80022</p> <p>Dear Ms. Shannon,</p> <p>Thank you for the additional opportunity to review the DRAFT Comprehensive Conservation Plan and Environmental Impact Statement for Rocky Flats National Wildlife Refuge and to submit written comments regarding the proposed management alternatives. As expressed in our first letter, the Colorado Division of Wildlife supports the U.S. Fish and Wildlife Service (USFWS) in their selection of "Alternative B" - as described in the as the preferred management alternative.</p> <p>In addition, we want to articulate our support for the language in the most recent DRAFT in which the USFWS recognizes the potential to expand hunting opportunities beyond the initial youth and disabled hunt program. Minimizing the restrictions on wildlife management tools will allow our agencies the flexibility needed to respond to future resource conditions and to wildlife recreation demands.</p> <p>As previously expressed in our first comment letter and also in public meetings, we believe the management strategy described in "Alternative B" promotes wildlife and habitat conservation while allowing compatible wildlife related recreation and educational uses. Specific aspects of "Alternative B" in which CDOW maintains particular interest include, but are not limited to: conservation and restoration of native plant communities and wildlife habitat; continued management of noxious weeds; evaluation of the suitability of native wildlife species re-introduction; and plans to provide opportunities for hunting, wildlife viewing recreation, education and wildlife-related research.</p> <p>The CDOW remains dedicated to working in partnership with the USFWS in planning for the future resource management on the refuge. We also look forward to continuing this cooperative effort once a management alternative is in place.</p> <p>Respectfully yours,  John Smeltzer Public Services Administrator</p> <p>cc: Scott Hoover, Jim Guthrie; Eliza Moore; Eric Odell; Aaron Linstrom; Sherri Huwer; Michael Wedermyer</p> <p>DEPARTMENT OF NATURAL RESOURCES, Russell George, Executive Director WILDLIFE COMMISSION, Philip James, Chair • Jeffrey Crawford, Vice-Chair • Brad Phelps, Secretary Members, Bernard Black • Tom Burke • Rick Enstrom • Claire O'Neal • Robert Shoemaker • Ken Torres Ex Officio Members, Russell George and Don Ament</p> <p>RECEIVED APR 19 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p>  | <p>4-1. Thank you for your comment.</p> <p>4-2. The Service acknowledges the flexibility that would be gained by allowing the expansion of the public hunting program, if it is warranted by future resource conditions. To that end, the Service has added language to Objectives 1.6 (<i>Deer and Elk Management</i>) and 2.10 (<i>Hunting Program</i>) to better relate the proposed hunting programs to future evaluations of target populations and habitat conditions.</p> <p>4-3. Thank you for your comment. The Service appreciates the continued interest and involvement of the Colorado Division of Wildlife in the CCP/EIS process looks forward to a cooperative relationship during the future management of the Refuge.</p> |

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| | <p style="text-align: center;">STATE OF COLORADO</p> <p>DEPARTMENT OF TRANSPORTATION Region 6</p> <p>2000 South Holly Street Denver, Colorado 80222 (303) 757-9385</p> <p style="text-align: right;"></p> <p style="text-align: center;">RECEIVED APR. 19 2004</p> <p style="text-align: center;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>DATE: April 12, 2004</p> <p>TO: Laurie Shannon, USFWS</p> <p>FROM: Steve Sherman, Northwest Corridor EIS Environmental Manager</p> <p>SUBJECT: Comments on Rocky Flats National Wildlife Refuge EIS</p> <p>Dear Ms. Shannon, <i>LAORIC</i></p> <p>5-1 Thank you for the opportunity to review the EIS for the Rocky Flats Wildlife Refuge and discuss my comments at the agency workshop on March 4. I circulated the EIS to others in CDOT but received no other comments, so the ones I mentioned at the workshop will be the extent of CDOT comments.</p> <p>5-2 To reiterate the comment most important to us: On page 67-68 and perhaps elsewhere, The Northwest Corridor Transportation Study is mentioned by name and shown on the map on Page 68. It has always been our understanding that transportation-related Reasonably Foreseeable Activities are those that are already included in the DRCOG Regional Transportation Plan. The Northwest Corridor (NWC) EIS is in early stages of development and is not in the Plan; therefore it would be our preference for the specifics of the NWC EIS study to be removed from this Rocky Flats EIS. Impacts that a general transportation facility may have to the ROW on the east side of Rocky Flats does require analysis, as has been done, but it is much too early in the process to assume Northwest Corridor utilization of this ROW. For this reason, please definitely remove any lines on a map or such inferences regarding potential NWC alignments. For example the last sentence of the fourth paragraph stating, "the transfer would be designed to help meet the transportation needs of the northwest corridor," should be stricken.</p> <p>5-3 My additional comments are related to my experience in expectations of NEPA documentation. Primarily, I was surprised to find very little discussion of hazardous materials/waste in the document. I understand the reluctance to fully address the entire history and all aspects of hazardous materials/waste of the Rocky Flats site within this EIS and I don't think that is necessary, but it is my clear understanding that a NEPA document must address the impacts of the defined action to the existing environment. In other words, Refuge actions to the area under its purview such as mowing, site visits, fires, erosion, and etc. should be addressed in the document. It is my understanding that remediation work is complete in all areas to become part of the Refuge. What does it mean that remediation is complete? What are the residual levels of contamination? Will future Refuge actions cause risk to users or workers of the facility as well as off site receptors? I believe most of these questions have been asked of the regulatory agencies and answered satisfactorily, so why not document these conclusions in the document. As a direct impact to the existing environment, it seems necessary.</p> <p>5-4 One additional comment is regarding Table 10, Impact threshold definitions. Maybe I missed where these "negligible, minor, moderate, and major" definitions were used, but if they weren't they seem extraneous.</p> <p>Thank you , and we look forward to continuing discussions.</p> <p>Sincerely,  Steve Sherman, PE CC: Project File</p> | <p>5-1. Thank you for your comments.</p> <p>5-2. The Service believes some transportation improvements in the area surrounding Rocky Flats is a reasonably foreseeable activity, but the location of any particular transportation improvement, such as along the east edge of the Refuge, is speculative and not reasonably foreseeable. In the FEIS, Figure 9 was revised and does not show any particular alignment.</p> <p>The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>5-3. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure. The FEIS was revised to provide additional information about the steps to becoming a refuge, existing plutonium concentrations, and projected plutonium concentrations after cleanup.</p> <p>5-4. Descriptions of impact thresholds (negligible, minor, moderate, and major) are used throughout Chapter 4 of the EIS to describe the magnitude of anticipated impacts.</p> |

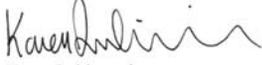
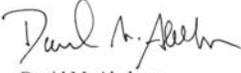
| Comment # | Letter #6 | Response |
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| | <p style="text-align: center;">STATE OF COLORADO</p> <hr/> <p>DEPARTMENT OF AGRICULTURE Noxious Weed Management Program</p> <p>700 Kipling Street, Suite 4000 Lakewood, Colorado 80215-8000 (303) 239-4182 FAX (303) 239-4177</p>  <p style="text-align: right;">Bill Owens Governor Don Ament Commissioner Greg Yando Deputy Commissioner</p> <p style="text-align: center;">RECEIVED APR 26 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 26, 2004</p> <p>Rocky Flats NWR CCP Laurie Shannon, Planning Team Leader USFWS Rocky Mountain Arsenal – Bldg 121 Commerce City CO 80022</p> <p>Dear Ms. Shannon,</p> <p>6-1 On behalf of the State of Colorado, I am pleased to provide these comments with regard to the noxious weed management issues raised in the Draft CCP/EIS for Rocky Flats National Wildlife Refuge. The Draft adequately addresses the need for noxious weed management in order to protect and maintain the diverse native plant communities and the wildlife that they sustain. However, there are several substantive comments that must be made and I request that they be addressed during the preparation of the Final EIS:</p> <p>6-2 1. The Colorado Noxious Weed Act (C.R.S. 35-5.5) stresses the application of integrated pest management on all lands of the State to achieve state and local noxious weed management objectives. By this criterion, the State prefers Alternatives B and C because they emphasize the fullest use of a wide range of biological, chemical, cultural, and mechanical techniques to control the spread and impact of noxious weeds. However, since these two alternatives are virtually identical with respect to the use of IPM (pp.74-75) at the refuge, neither one is more preferred than the other.</p> <p>6-3 2. The Draft devotes little discussion to how weed management priorities will be established. Given the recent changes to the Colorado Noxious Weed Act and the adoption of new permanent rules pertaining to the administration and enforcement of this statute (8 CCR 1203-19), I request that you consider how Rocky Flat's weed management program can explicitly complement the state's recent and future efforts to set regional watershed and statewide management priorities. Colorado's Noxious Weed Act was revised in 2003 by the Colorado General Assembly to provide a legal framework by which the state can implement</p> | <p>6-1. Thank you for your comment.</p> <p>6-2. The Service's Proposed Action (Alternative B) proposes integrated pest management as the best approach to control the establishment and spread of noxious weeds.</p> <p>6-3. Objective 1.5 – <i>Weed Management</i> has been revised to more specifically identify weed management priorities, and to achieve consistency with recent changes to the Colorado Noxious Weed Act. Weed management would be addressed more specifically in a step-down Integrated Pest Management Plan, which would be provided to the Department of Agriculture for review and comment.</p> |

| Comment # | Letter #6 continued | Response |
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| | <p>Colorado’s strategic plan to stop the spread of noxious weeds, a plan endorsed by USFWS in 2001. New rules (enclosed) require the statewide eradication of a number of rare noxious weeds (List A) and identify a number of more well-established weed species for which the State will develop statewide management plans to stop their continued spread (List B). I hope that the invasive plant management plan ultimately adopted by Rocky Flats will facilitate complementary actions to those of local, regional, and state management efforts. It should specifically include consideration of state weed management priorities when determining how, when, and where to control invasive plants in the Refuge.</p> <p>3. While Alternatives B and C put an extraordinarily high value and allocation of resources to the management of fire on the Refuge (3 FTE), too few resources (particularly staff) are dedicated to the management of noxious weeds and native plant communities. Given the current condition of the native and non-native plant communities at Rocky Flats, only Alternative C approaches an adequate allocation of FTE (pg. 243) to manage noxious weeds and restore native plant communities. While I believe that the Draft does appropriately address the need for noxious weed management and sets out some suitable management objectives, the Service will fall short of attaining its plant community and habitat goals unless vegetation management is staffed more adequately. I strongly recommend increasing the FTE allocation in Alternative B to correspond with that of Alternative C. To achieve basic plant community objectives and manage noxious weeds at an acceptable level, the Refuge will need the attention of a full time biologist (although other duties such as wildlife management will also occupy this person’s attention), a full time noxious weed/vegetation management professional, and a six-eight month seasonal. This is all the more important if the Service anticipates fire, natural or prescribed, to occur with any frequency, at the Refuge because fire will stimulate the germination and establishment of noxious weeds already present in the seed bank.</p> <p>In addition to the substantive comments made above, I submit the following suggestions/corrections:</p> <p>6-5 Pg 12, last paragraph – there are opportunities for scientific research regarding native and non-native plant communities and the management of noxious weeds. CU and CSU would welcome the opportunity to collaborate.</p> <p>6-6 Pg 31, Weed Management section – goats and cattle can be used to graze noxious weeds as part of an IPM program. Do not emphasize goats over cattle. The prescription should be site specific, not livestock specific.</p> <p>6-7 Pg 35, Alternative B first paragraph – relating success to cover is a broad measure at best that is not very helpful in achieving more healthy native plant communities that are resistant to invasion. I recommend setting the following goals: prevent the introduction of new noxious weeds to the Refuge, eradicate weed species with small populations, stop the spread of more well established species within the Refuge, and restore native plant communities of significant environmental value.</p> <p>6-8 Pg 38, Obj 1.5 first sentence – strike “generally.” They are always non-native by definition.</p> | <p>6-4. The Service believes that the proposed staffing will be sufficient to comply with weed laws and implement the objectives. Staff from the Rocky Mountain Arsenal NWR can supplement weed management and restoration efforts at Rocky Flats, and fire management staffing at Rocky Flats are funded separately from Refuge management.</p> <p>6-5. The Service welcomes opportunities to partner with CU, CSU and other universities regarding research on noxious weeds or other topics. Such partnerships are envisioned as part of the Proposed Action’s “working with others” objective (Objective 5.3).</p> <p>6-6. The weed management objective has been revised to ensure that there is adequate flexibility in applying managed grazing to site-specific conditions.</p> <p>6-7. The Service believes that the species composition targets for the xeric tallgrass community are appropriate, because they can be based upon existing studies of that community.</p> <p>6-8. The background for Objective 1.5 was revised to indicate noxious weeds are nonnative plant species.</p> |

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| 6-9 | Pg 39, first paragraph – controlled grazing by either goats or cattle is a biological or cultural tool that can be used for weed management purposes. In the next paragraph, I would strike field bindweed. I don't believe it is a serious threat to the grasslands. However, both species of teasel are threats to wetlands in this area. | 6-9. The Service has found that field bindweed is encroaching in disturbed areas throughout Rocky Flats, and teasel is currently not a problem. |
| 6-10 | Pg 39, Alternative B first paragraph – Change “limit and control” to “prevent.” 1.5.6 – take out goats | 6-10. While the Service agrees with the philosophical goal of preventing any new weed infestations, the current terminology is more achievable, which is one of the criteria for developing objectives. |
| 6-11 | Pg 65, table – check the numbers in the Restoration and Implementation column – something is not quite right I suspect. | 6-11. The cost figures for Restoration and Implementation do not include staff labor, which reduces the overall budget of that program. Staffing costs are included in Annual Operations. |
| 6-12 | Pg 103, Noxious Weeds – St. Johnswort is no longer in a position to threaten native plant communities at the Refuge due to the enormous success of biological controls. Instead, cheatgrass and perhaps jointed goatgrass should be added as prime threats to the native plant communities. Also, sulfur cinquefoil is a new invader to the area and may have already built up substantial populations at the Refuge. | 6-12. The FEIS was revised to reflect these recommendations. |
| 6-13 | Pg 199, Organizations – Dr. George Beck should be moved to page 198 under the Federal, State and Local Agencies section. For some reason, you have listed me as Colorado Native Plant Society. When I participated in the October 2002 Focus Group for Vegetation Management I did so as the state weed coordinator. Please list my affiliation as the Colorado Department of Agriculture and move me to page 197. Also, Len Ackland and Tim Seastadt should be moved to the same section as they are affiliated with the University of Colorado, a state agency of higher education. | 6-13. The FEIS was revised to reflect these recommendations. |
| 6-14 | Pg 233 – You are missing Executive Order 13112, Invasive Species (1999). | 6-14. Executive Order 13112, Invasive Species has been added to the list of relevant laws and executive orders. |
| 6-15 | Pg 250 – At the time of printing, this list was incomplete with respect to designations of state noxious weeds. The list has changed more recently (see enclosed). Please recheck any species marked with an “*” to make sure it is still designated a noxious weed. Also, a number of species were not originally marked including oxeye daisy, houndstongue, and bouncingbet. | 6-15. The FEIS was revised to reflect these recommendations. |
| 6-16 | Lastly, you should note that the picture used for the front cover of the Draft has Dalmatian toadflax in the background (it's the yellow stuff – check under the “&”). | 6-16. The Service is aware that the cover to the Draft CCP/EIS shows Dalmatian toadflax, which is found throughout the site. The cover of the Final CCP/EIS has been changed because it is a different document. |
| 6-17 | <p>If you have any questions regarding the three substantive comments provided above, please contact me at 303-239-4182 or eric.lane@ag.state.co.us. I appreciate the seriousness with which noxious weeds are recognized as a threat to the native plant communities and wildlife of the Refuge and I appreciate the opportunity to share my concerns with you.</p> <p>Sincerely,  Eric Lane State Weed Coordinator</p> | 6-17. Thank you for you comments. |

| Comment # | Letter #7 | Response |
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| <p>7-1</p> <p>7-2</p> <p>7-3</p> | <p style="text-align: center;">Rocky Flats Coalition of Local Governments</p> <p style="text-align: center;">Boulder County City and County of Broomfield Jefferson County City of Arvada City of Boulder City of Westminster Town of Superior</p> <p style="text-align: center;">8461 Turnpike Drive, Suite 205 Westminster, CO 80031</p> <p style="text-align: center;">(303) 412-1200 (303) 412-1211 (f) www.rfclog.org</p> <p style="text-align: center;">RECEIVED APR 9 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 5, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Building 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon,</p> <p>On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, we are submitting the following comments on the Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge. Because elements of these comments are beyond the scope of the CCP/EIS, we have copied the Department of Energy, Colorado Department of Public Health and the Environment, and the United States Environmental Protection Agency.</p> <p>After months of intensive conversation amongst the Coalition governments and with USFWS, it is clear that the Coalition, as an organization, does not support one alternative over another. Our comments instead focus on overriding principles and values that are central to the management of the refuge. The individual governments will continue to work with the USFWS on the details of the proposed options, including the preferred alternative.</p> <p>The Coalition thus offers the following comments.</p> <p>1. <i>Support for the Refuge</i></p> <p>The Coalition reiterates its support for the Rocky Flats National Wildlife Refuge. As the Coalition stated in an <i>Arvada Sentinel</i> op-ed in June 2001:</p> <p>The [refuge] bill would accomplish a number of the Coalition's key cleanup and future use goals. Most importantly, it would protect the land for future generations by mandating the site be managed as a national wildlife refuge, while ensuring that the cleanup protects human health and the environment. Additionally, this designation would prohibit future development of Rocky Flats and annexation of the property by any local government. The legislation would also require on-going federal ownership of the site, an integral component of a comprehensive long-term site stewardship program, and also ensure that cleanup is completed prior to the U.S. Fish and Wildlife Service assuming management of Rocky Flats.</p> | <p>7-1. Thank you for your comments.</p> <p>7-2. The Service appreciates the RFCLOG's participation in the CCP process.</p> <p>7-3. Thank you for your comments.</p> |

| Comment # | Letter #7 continued | Response |
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| 7-4 | <p>While the seven Coalition governments may disagree on elements of the proposed management plan, this disagreement should not be interpreted as suggesting a lack of support for the refuge. The principles articulated in the op-ed hold true.</p> <p><i>2. Limit Access to DOE Retained Lands</i> The Coalition remains concerned that USFWS is proposing to allow access to the refuge without defining how the federal government (either USFWS or DOE) will restrict access to DOE retained lands. It is our understanding that the vast majority of the groundwater monitoring wells, settling ponds, caps, surface water monitoring stations, and other controls designed to implement and protect the remedies will remain under DOE's jurisdiction. These lands, we understand, will be off-limits to refuge visitors. It remains imperative that USFWS and DOE decide how access to these lands will be restricted prior to opening up the refuge for visitors.</p> <p>We recognize there are various mechanisms that can be employed, and that the respective roles of DOE and USFWS in restricting access to the entire Site and to the DOE retained lands must still be decided. Regardless of the legal mechanism(s) that USFWS and DOE ultimately adopt (including but not limited to the past-due congressionally mandated MOU between DOE and the Department of the Interior), USFWS must clearly acknowledge in the CCP/EIS that implementation of the visitor plan is contingent on resolution of this issue.</p> | <p>7-4. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary within the Refuge, will be decided by the RFCA parties. The Service will continue to provide input to the RFCA parties. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. The Service has provided these recommendations to the RFCA parties.</p> |
| 7-5 | <p><i>3. Additional Analysis Needs to Be Completed</i> The Coalition understands that DOE, CDPHE, and EPA believe additional sampling of the buffer zone must be completed prior to the closure of Rocky Flats and transfer of jurisdiction of lands to USFWS. The Coalition believes this sampling is essential for a number of reasons, including but not limited to confirming that residual levels of contamination on the lands to be transferred to USFWS are protective of refuge workers and thus of visitors. Additionally, we believe ongoing post-closure monitoring must be conducted in the buffer zone to verify the ongoing safety of these lands.</p> | <p>7-5. The Service will continue to provide input to the RFCA parties regarding cleanup issues, and support the need for ongoing monitoring of the buffer zone by the DOE to ensure the effectiveness of the cleanup and the safety of Refuge visitors. The additional sampling of the buffer zone is completed. The FEIS was revised to provide additional information about the steps to becoming a refuge, existing plutonium concentrations, and projected plutonium concentrations after cleanup.</p> |
| 7-6 | <p>While we understand this sampling requirement is driven by the Rocky Flats Cleanup Agreement (RFCA) and not the CCP/EIS, we believe that USFWS must take this information into account in the CCP/EIS when finalizing decisions about public access to the refuge. Please note, though, that the Coalition remains steadfastly committed to the provision in "The Rocky Flats National Wildlife Refuge Act of 2001" that vests authority for certifying whether Rocky Flats meets regulatory standards and is thus protective in the EPA and not in the USFWS. We believe, as we posited during the drafting of the refuge bill, that the determination as to what is protective is not, as both a matter of science and public policy, the domain of the USFWS. That said, public policy also suggests that USFWS remain engaged on this certification analysis and the potential impacts on the refuge planning process.</p> <p><i>4. A Protective Cleanup</i> Recently, a segment of the community has been arguing that any level of radioactive contamination above background is dangerous, and thus USFWS should, from a human health and safety perspective, prohibit all access to the refuge. Provided that the aforementioned additional sampling confirms that the lands transferred to USFWS contain levels of residual contamination that are protective of refuge workers and visitors, we reject this argument.</p> | <p>7-6. The Service is assured the EPA will require DOE to complete a cleanup that is protective of a Refuge worker and visitors before certifying the site in accordance with the Refuge Act.</p> |

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| 7-7 | <p>The Rocky Flats Soil Action Level Oversight Panel’s review of cleanup levels at Rocky Flats concluded that lands contaminated with up to 80pCi/g of plutonium would be protective of a resident rancher that lived on the most contaminated parts of Rocky Flats, grew all their vegetables at the site, received all of their drinking water from the site, and also grazed their livestock at the site. This Panel included, among others, local government representatives and the Rocky Mountain Peace and Justice Center.</p> <p>Following that study, an intensive review of cleanup levels determined that lands contaminated with up to 50pCi/g of plutonium would be protective of a refuge worker. This scenario presumes that the refuge worker spends 50 weeks a year, 40 hours per week at the most contaminated portion of the site.</p> <p>It is our understanding that lands which include contamination >7pCi/g of plutonium will be retained by DOE – and that these lands, as discussed above, will be off limits to refuge visitors. Based on the aforementioned studies, to suggest that the lands to be transferred will be dangerous to the community if the RFCA standard is met belies sound science and sound public policy.</p> <p>The Coalition remains committed to ensuring that the cleanup is protective of human health and the environment. We understand this latter point is well beyond the bounds of the CCP/EIS but, given the nature of the current public dialogue, we felt it important to reiterate our position on this critical cleanup issue.</p> <p>Thank you for your consideration of these issues. We trust that although some of these issues are beyond the bounds of the CCP/EIS, we will continue to dialogue about them with the USFWS in the appropriate forum.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  Karen Imbierowicz Chair </div> <div style="text-align: center;">  David M. Abelson Executive Director </div> </div> <p>Cc: Frazer Lockhart, DOE Doug Benevento, CDPHE Max Dodson, EPA Senator Wayne Allard Representative Mark Udall Representative Bob Beauprez</p> <p style="text-align: center;">3</p> | 7-7. Thank you for your comments. |

| Comment # | Letter #8 | Response |
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| 8-1 |  <p style="text-align: center;">CITY OF ARVADA MAYOR AND CITY COUNCIL FACSIMILE: 720-898-7515 ▲ TDD: 720-898-7869 PHONE: 720-898-7500</p> <p>April 26, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Bldg. 121 Commerce City, CO 80022</p> <p style="text-align: right;">Via Fax: 303-289-0579</p> <p style="text-align: center;">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>RE: Comments on the Draft CCP EIS for the Rocky Flats National Wildlife Refuge</p> <p>Dear Ms. Shannon:</p> <p>On behalf of the Arvada City Council, we would like to thank you for this opportunity to comment on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge. Since this process started nearly two years ago, the City has continued to appreciate the hard work of you, Dean Rundle and the entire Fish and Wildlife Service team. We especially appreciate your willingness to openly invite comment and to engage the public on the sometimes contentious subject of the future of Rocky Flats.</p> <p>First, let us state that the City, as stated previously in our June 18, 2003 letter, supports the Proposed Action, Alternative B. Although we support Alternative B, there are a number of issues that we feel compelled to comment on within the Draft. Below please find both general statements regarding the Proposed Action and specific comments about Alternative B and the draft document.</p> <p><u>Comments on Alternative B:</u> With consideration of the Planning Goals of the Refuge, the public input, and the requirements of a National Wildlife Refuge, Alternative B offers the most appropriate balance between the conservation of wildlife and their habitat while allowing some wildlife-dependent public use.</p> <p><u>Ecology and Environmental Management:</u> The ecology and environmental management plans presented in Alternative B implement the extensive habitat and wildlife management that is expected of a refuge. Especially important is the broad range of habitat restoration tools and commitment to a broad range of methods to manage and protect wildlife on the site. It is imperative that the USFWS keep all options available for habitat restoration and wildlife management and implement a full range of strategies throughout the Refuge.</p> <p style="text-align: center;">P.O. Box 8101 ▲ 8101 RALSTON ROAD ▲ ARVADA, COLORADO ▲ 80001-8101</p> | <p>8-1. Thank you for your comments. The Service believes the Proposed Action would best balance habitat restoration and wildlife management with public use in accordance with the Refuge Act, the National Wildlife Refuge System Improvement Act, and Service’s policies.</p> |

| Comment # | Letter #8 continued | Response |
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| 8-2 | <p>Although the City supports the ecology and management plan presented in Alternative B, we feel the plan can be strengthened in several areas:</p> <p>1. <u>Weed Management</u>: Additional emphasis should be placed on the aggressive management of noxious, non-native weeds on the site. The plan to use Integrated Pest Management (IPM) practices is crucial. With the proliferation of noxious weeds at the Refuge, it is imperative that all weed removal options be available to USFWS. The City is in agreement that this should include the use of herbicides, biological controls, mechanical removal, prescribed fire, and controlled grazing. As noted in the Draft CCP/EIS, the lack of prescribed fire has resulted in the fact that, <i>"a fuel load of dead vegetation has been building up in the grasslands of Rocky Flats for at least 30 years. This buildup has contributed to an invasion of noxious weeds on site..."</i></p> | <p>8-2. Alternative B, the Service's Proposed Action, would provide a full range of weed management tools through an Integrated Pest Management approach. The Service agrees that while highly aggressive weed management is needed, the level of weed management in Alternative B would be reasonable, given funding constraints and other priorities.</p> |
| 8-3 | <p>2. <u>Prairie Dogs</u>: The City suggests that USFWS reexamine the 750 acres devoted to prairie dogs in Alternative B. The Alternative C limit of 500 acres appears more sustainable and increases the odds of a healthy population that will continue to contribute to the area ecology. The 500 acres is still an enormous increase of colonization over historic population on the site and will contribute to the Refuge as a whole.</p> | <p>8-3. The Service acknowledges that a limit of either 500 or 750 acres of prairie dog colonies would be an increase over the current extent (10 acres) of existing populations. Prairie dogs a native grassland species, and the Service has an obligation to manage the species on the Refuge. The Service believes that a maximum threshold of 750 acres of prairie dog colonies is still within the limits of what the Service could effectively manage and what would be sustainable.</p> |
| 8-4 | <p>3. <u>Natural Habitat Management</u>: The City supports USFWS' plan for wildlife habitat management. However, it is important that USFWS acknowledge that when the infrastructure and buildings of the Industrial Area are gone and the area revegetated, there may be significant changes in surface water levels and drainage on various parts of the Refuge. These changes may impact riparian and Preble's areas. The City is not in favor of artificially maintaining these areas through the importation of water and feel that it should be stated in the CCP/EIS that this would not be an option considered by the USFWS.</p> | <p>8-4. Future hydrologic conditions are discussed in the DEIS and FEIS under section 3.3, <i>Water Resources</i>. DOE has initiated informal consultation with the Service to minimize impacts on the Preble's from hydrologic changes of site closure. The Refuge Act protects existing property rights on the Refuge, including water rights and ditches. The Service does not plan on expanding riparian habitat areas, but will instead focus on protecting what is currently there.</p> |
| 8-5 | <p><u>Public Use</u>: Creating an accessible, open wildlife refuge has always been an issue of primary concern to Arvada. The City has continued to advocate for direct access to the Refuge via the Arvada trail system, and the trail systems within the surrounding communities. It is gratifying that the park and open space work of the surrounding communities has been incorporated into the planning of Alternative B to allow these trail connections. The City commends the USFWS commitment to working with the surrounding communities on this issue. The City feels that the overall public use plan is reasonable for Alternative B and within the spirit of the Refuge System. In fact, the public uses proposed in Alternative B are minimal in relation to the over 5,000-acre size of the refuge and the location adjacent to a large urban area. There are three issues that the City would like to see changed in the Public Use portion of Alternative B.</p> | <p>8-5. The Service believes the Proposed Action would best balance habitat restoration and wildlife management with public use and future funding.</p> |
| 8-6 | <p>1. <u>Trails</u>: Although great strides have been made to improve the proposed trail system from the first draft of the alternative plans, the City still strongly believes that the trail system in the southern portion of the Refuge is inadequate. In our June 18, 2003 letter, we discussed the need for loop trails and additional trails in</p> | <p>8-6. The Service believes that the level of public use proposed in Alternative B would be appropriate for the size and purposes of the Refuge. In response to these and other comments, Alternative B has been revised to include another off-site trail connection to the southwest that will enable the City of Arvada to complete a trail loop along Big Dry Creek south of the Refuge. In addition, the alignment of the southern multi-use trail has been changed to diversify and improve the trail experience for visitors and complement future connections to other jurisdictions. The Service believes that any significant additions beyond those just described would no longer strike an appropriate balance between public use and habitat management, and would increase trail maintenance costs.</p> |

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| 8-7 | <p>the southern area abutting Arvada. We proposed that two additional foot trails be added to the area in conjunction with the multi-purpose perimeter trail proposed at the time. However, as currently proposed, Alternative B eliminates the perimeter multi-use trail west of the Arvada trail connection and creates one loop connection to the east. The single loop connection is positive, but it loses much of its appeal without the continuation of the perimeter trail. The City strongly advocates the reintroduction of the perimeter trail as originally shown west of the Arvada trail connection. This trail can follow the existing road along the south and west perimeter of the Refuge. Not only would this trail enhance the experience of users in the southern portion of the Refuge, it would do so with minimal impact and create better connectivity within the Refuge, especially to the Contact Station and Lindsay Ranch. It is reasonable to deduce that, if the planned development immediately to the south of the Refuge occurs, there will be high demand for more than just the trail proposed. The addition of the perimeter trail would spread visitor impact, enhance visitor experience and decrease the potential for creation of informal "social" trails in delicate habitat.</p> <p>2. <u>Equestrian Use:</u> The City of Arvada supports the allowance of equestrian uses within the Refuge. As Alternative B is now written, equestrian uses would only be allowed in the southern portion of the Refuge. The City supports equestrian uses on all multiple use trails within the Refuge, not only the southern portion. Equestrian use is an accepted form of transportation within the Refuge system for the purposes of wildlife observation and, as stated in the Compatibility Determination of the Draft CCP/EIS, "<i>disturbance resulting from trail use is anticipated to be biologically insignificant.</i>"</p> | <p>8-7. Equestrian access was not widely supported by the public comments, and raises issues about potential ecological impacts. For these reasons, the Service's limitation of equestrian access in Alternative B is intended to provide a separation of uses and to be conservative with regard to ecological impacts.</p> |
| 8-8 | <p>3. <u>Phasing of Development:</u> The City appreciates the fifteen-year timeline that the USFWS has to implement a management plan for the Refuge. It is, however, important to work with the surrounding communities to most quickly open sections of the Refuge to the public. The Refuge will be a long-anticipated regional asset by the time USFWS takes over and we feel it would be easy and beneficial to open at least a portion of the Refuge almost immediately. We strongly encourage USFWS to open more than just a trail to the Lindsay Ranch within the first five years. Based on the planned use of existing roads and the lack of sound environmental contaminant concerns in the areas slated for public access, there is little reason why access could not be granted very quickly in some areas. At a minimum, USFWS should reduce the timeline from 5-7 years to 3-5 years for the completion of 75% of trails. In addition, if a surrounding community is prepared to create a link to the Refuge within the first five years, USFWS should work with them to create that link and increase access to the Refuge.</p> <p><u>Additional Issues:</u> Below are a number of additional comments related to individual issues raised by the Draft CCP/EIS.</p> | <p>8-8. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the public use implementation plan of Alternative B was not changed. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would begin.</p> |

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| 8-9 | <p><u>Environmental Concerns:</u> The City will always have concern regarding environmental issues within the Department of Energy retained lands. At the same time, we feel that the areas proposed for public access in Alternative B are more than protective for the activity of refuge workers and visitors. In fact, it should be noted that the City is aware of no credible data related to contamination that would not support the use of the Refuge in the manner proposed. Based on the standards being implemented in the clean up of Rocky Flats and the lands to be retained by DOE, for any party to suggest that the Refuge will be unsafe is irresponsible and unfounded.</p> | <p>8-9. Thank you for your comment. Note that an expanded discussion of cleanup related issues is included in Sections 1.8, 3.2, and 4.2.</p> |
| 8-10 | <p>That being said, the City urges USFWS to resolve all outstanding issues related to access to DOE retained lands. It is our understanding that the actual methods of limiting access and instituting controls to restricted areas have not been determined at this time. The City does not support one particular method of control over any other, but rather, believes that a number of controls with varying degrees of restrictiveness will be necessary depending upon the type and location of each area requiring restricted access. However, the City does agree with and support the statement in the Draft CCP/EIS that it is the goal of both the USFWS and DOE, <i>“that Rocky Flats will be a seamless property, to the extent possible, with no or few obvious visual differences between Refuge and retained lands.”</i></p> | <p>8-10. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> |
| 8-11 | <p><u>Transportation Right-of-Way:</u> Generally, the City’s position as stated in the letter of June 18, 2003, is unchanged with regard to USFWS’ inclusion of the potential transportation right-of-way within the Draft CCP/EIS. The City continues to support USFWS studying the transportation corridor as it relates to the management of the Refuge. However, the City is extremely disappointed in the manner in which USFWS has chosen to study the right-of-way. It has always been our position that whatever the impact to the refuge, it will be most notable if the entire 300 feet of right-of-way is used for transportation and therefore, the entire 300 feet of right-of-way should be studied by USFWS. It only makes sense that if the actual roadway width is less, the impact to the operations and management of the Refuge can only be less.</p> <p>Instead of studying the 300 feet of right-of-way as listed in the Rocky Flats Wildlife Refuge Act, USFWS has arbitrarily divided the right-of-way and studied the impacts of various widths. The numbers used and the assumptions made by USFWS in their division of the potential right-of-way are not based on any fact related to the actual transportation corridor. The legislation only says <i>“up to 300 feet,”</i> which means any number between 0 and 300, not 50, 125, or 300. <u>The City is aware of no predetermination by the Colorado Department of Transportation that concludes only those three widths are available. Nor is the City aware of a predetermined route that would require the entire length of the Indiana right-of-way to be used for the potential transportation corridor.</u> Yet, throughout the Draft those misleading and incorrect assumptions are made, to the detriment of every member of the public that may read this Draft.</p> | <p>8-11. The Refuge Act directed that the land to be made available for transportation improvements should not extend more than 300 feet from the Indiana Street right-of-way. The DEIS identifies those resources that fall within a distance of 50, 125, 300 feet from Indiana. The three different widths (50, 125, and 300 feet) were chosen to provide a range of widths and amount of each resource that would be within each width, up to 300 feet. The selection of three widths is not intended to imply a preference for any particular width that may be transferred, or any implication that only the three widths analyzed would be available.</p> <p>The Service acknowledges that the transfer of land for the purposes of transportation improvements is the responsibility of the DOE. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> |

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| 8-12 | <p>It is not and should not be the function or responsibility, nor is it certainly the expertise, of the USFWS to determine potential widths and lengths of a transportation corridor. This is especially true, and disconcerting, as the Colorado Department of Transportation is just beginning the public Northwest Corridor Transportation Study.</p> <p>In addition to the general methodology, the Draft also contains several statements that, at a minimum need clarification and more support or should not be included in the Draft as written. For example, on page 162, it is stated that, "<i>Construction of a highway between the refuge and Standley Lake may pose a physical barrier to Preble's movement and psychological barrier to bald eagle movement.</i>" First, there is no indication given that Preble's movement now exists between Rocky Flats and Standley Lake. Second, it seems that Indiana Street already poses a physical barrier to Preble's movement, yet no comparison is given of the impact of Indiana versus a larger roadway. Third, the statement that an enlarged roadway may pose "<i>a psychological barrier to bald eagle movement</i>" simply makes no sense. There is an existing population of bald eagles that freely moves throughout the urbanized area. The eagles regularly move between Standley Lake, Barr Lake and all points in between (such as lakes surrounded by houses and roadways like East Lake and Hunter's Glen Lake) and along the South Platte corridor, crossing numerous roadways, including I-25 and I-76.</p> | <p>8-12. The FEIS was revised based on this comment.</p> <p>8-13. The Service acknowledges that it is impossible to evaluate the visual impacts of future transportation improvements, if any, until a roadway is designed. However, the Refuge Act does direct the Service to make recommendations on land that could be made available for transportation improvements. While the referenced text has been removed from the FEIS, an additional discussion of the potential effects of any transportation improvements near the Refuge been added as Section 4.16, and does include an evaluation of potential visual impacts, recognizing that plans for any transportation improvements do not currently exist.</p> |
| 8-13 | <p>Another example of a poorly written statement is found on page 168. It reads: "<i>The transfer of a right of way and subsequent development of a larger roadway would adversely affect easterly views from portions of the Refuge.</i>" On its face this might make some intuitive sense, however, there are two issues that need to be considered. First, the existing easterly view is of an urban reservoir surrounded by housing and an urbanized area including downtown Denver, hardly a pristine prairie setting. Second, until a roadway is designed, it is difficult to determine how views will be impacted. By way of example, one should look at the most recently built area highway, the Northwest Parkway. In many places, the Northwest Parkway was intentionally built below grade to minimize impacts on the surrounding land. If the Draft, at a minimum said, "<i>could</i>" instead of "<i>would</i>" at least some recognition that the outcome and final design of the potential roadway is unknown would be present.</p> | <p>8-14. The existing barbed-wire fence would remain under the Service's proposed action.</p> |
| 8-14 | <p><u>Perimeter Fencing:</u> As stated in previous communication with the USFWS, the City advocates minimal perimeter fencing at the Refuge. The City is in no way interested in sacrificing the quality of the Refuge or the safety of the surrounding community through minimizing fencing. However, minimizing fencing should absolutely be a goal of the Refuge.</p> <p>There are several reasons the City feels strongly about this matter. First, the Refuge will abut a prominent entry into our City and the appearance of the Refuge will directly reflect upon Arvada. Second, and closely related, the portion of Arvada that borders the Refuge is privately owned and is zoned and proposed for</p> | |

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| 8-15 | <p>development. Large chain link and barbed wire, or other barrier type fences are not the kind of outward impression that we feel a regional asset such as the Refuge should give to its neighbors. In addition, as stated above, there is no environmental reason to create such a barrier. The City supports the USFWS plan to maintain the traditional three-strand fence around the perimeter of the Refuge.</p> <p><u>Site Signage:</u> In at least one public forum during this comment period, USFWS has stated that the final CCP/EIS will have specific signage language for the site related to safety and/or contaminant concerns. The City is not comfortable with specific language being set at this stage of the cleanup and closure of Rocky Flats. At this time there are simply too many variables for the USFWS to know what is appropriate language on any signage. With institutional controls not yet determined, cleanup incomplete, and additional buffer zone sampling incomplete, the City questions the logic of developing specific signage language. It may be appropriate to acknowledge within the CCP/EIS the need for some signage, but to determine the language to be used on the signage does not fit within the purpose or scope of the CCP/EIS.</p> | <p>8-15. Since the public meetings, the Service has decided to not include specific signage. However, the expanded discussion of contamination issues in Section 1.8 elaborates that signage will include information on residual contamination and related safety issues.</p> <p>8-16. The Refuge Act provides for the preservation and maintenance of the Lindsay Ranch structures in accordance with the National Historic Preservation Act. After evaluating the condition of the structures, the Service has concluded that the farm house is weathered beyond repair, and that appropriate restoration would significantly detract Refuge resources away from other management needs. For these reasons, the Service proposes to actively rehabilitate the barn only.</p> |
| 8-16 | <p><u>Lindsay Ranch:</u> The City supports the stabilization and interpretation of the entire Lindsay Ranch site. We do not agree with USFWS' plan to only stabilize and interpret the barn. As many structures as possible should be stabilized and maintained, including outbuildings, fences, and the house and the barn. If it is impractical for the house to be stabilized then it should be allowed to fall naturally in place. However, the house site should still be preserved and interpreted along with the entire ranch. As USFWS knows, the legislative intent was to preserve the Lindsay Ranch physical structures, not just the barn. It is disheartening that there is no plan to do as was intended by Congress.</p> | <p>As stated in the rationale for Alternatives A, B, and D under Objective 6.4, the Service would be willing to work with partners and consider stabilizing the house if resources could be found through partnerships or grants to undertake such a project. Even if the house does not remain, the Service agrees that the house can be interpreted through a variety of media such as interpretive panels. The EIS has been revised to reflect this. The Service is concerned about the house becoming an attractive nuisance if it is fenced off, and the type of security fencing that would be required to keep visitors away could detract from the visual qualities of the area.</p> |
| 8-17 | <p><u>Maps:</u> One issue related to the actual document itself involves the maps used to depict the site. By completely shading the DOE retained lands, it is very difficult to understand the site in its entirety and the maps lose much of their meaning and effectiveness. It would be much more preferable to make the DOE retained land transparent by either lightly shading the area or using a dotted line around the perimeter. Otherwise, there is no possibility to understand the relationship of the center of the site (topography, habitat, drainage, etc.) with the Refuge lands.</p> | <p>8-17. While the depiction of the DOE retained area on the maps may be visually obtrusive, it is intended to convey the fact that the Service is not responsible for resource management within the retained area. The maps have been revised to make the retained area transparent. The Service, however, will provide recommendations to DOE regarding resource management issues.</p> |
| 8-18 | <p>After review of the entire Draft CCP/EIS it is clear that Alternative B adheres to all of the Planning Goals stated for the CCP/EIS. The balance of ecological restoration and management with public access is appropriate for a site of this nature and with its history. The City fully supports the implementation of Alternative B and asks that the suggested changes discussed above be addressed by the Refuge Planning Team in the Final CCP/EIS.</p> <p>It is the strong desire of the City to continue the positive relationship we have built with the USFWS due to our good fortune of having the Two Ponds National Wildlife Refuge</p> | <p>8-18. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p> |

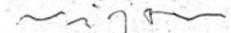
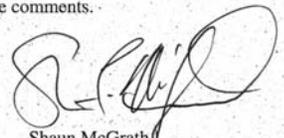
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| 8-19 | <p>within the City. Now is the time to start working on specific projects together in order to best facilitate public access and community involvement once the Refuge is open. We look forward to any opportunities to partner in the development of trails, public access, and the formation of volunteer community groups in support of the Refuge.</p> <p>Thank you for the opportunity to comment on the Draft CCP/EIS. Please do not hesitate to contact the City for any additional information or assistance.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>Ken Fellman Mayor Arvada Alternate – RFCLG Board</p> </div> <div style="text-align: center;">  <p>Lorraine Anderson Councilmember Arvada Member – RFCLG Board</p> </div> </div> <p>cc: City Council Clark Johnson, Assistant to the City Manager Gordon Reusink, Director of Parks, Golf, and Hospitality Bill Ray, Director of Public Works David Abelson, Executive Director, RFCLG</p> | 8-19. Thank you for your comments. |

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| <p>9-1</p> <p>9-2</p> <p>9-3</p> <p>9-4</p> <p>9-5</p> | <div data-bbox="275 245 1140 1409" style="border: 1px solid black; padding: 10px;">  <p>CITY OF BOULDER CITY COUNCIL OFFICE</p> <p>Will Toor, Mayor Thomas Eldridge, Deputy Mayor Robin Bohannon, Councilmember Crystal Gray, Councilmember Shaun McGrath, Councilmember Gordon Riggle, Councilmember Mark Ruzzin, Councilmember Andy Schultheiss, Councilmember Jack Stoakes, Councilmember</p> <p>April 20, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Building 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon,</p> <p>We are writing on behalf of the City of Boulder to submit the following comments on the Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge.</p> <p>The City supports Alternative C, Ecological Restoration, as the best alternative for the wildlife refuge at the Rocky Flats site. We believe that the unique conditions at Rocky Flats warrant a conservative, "go slow" approach. This is the first former nuclear weapons facility that will be designated as a wildlife refuge. In that respect, it is unlike any of the other, more pristine land enrolled in the wildlife refuge system and should be managed accordingly. This plan will govern the first 15 years of the wildlife refuge, a proverbial drop in the bucket compared to the 24,000-year half-life of the plutonium known to have been on the site. This first plan should therefore focus on verifying the long-term safety of the land for future generations. If no problems are found during the first 15 years, we believe a discussion on greater level of public access and use could be warranted.</p> <p>However, until we have gained the benefit of having managed these lands over the 15-year time period, we believe that the focus should be on ecological restoration over public access/use. To open the site to the public without this first being accomplished would be short sighted and would not serve the broad, long-term community interests.</p> <p>The City has long-advocated for closure and clean up of the weapons production facility at Rocky Flats. We continue to work with the other local governments in the area through the Rocky Flats Coalition of Local Governments (RFCLOG) to argue for federal funding and attention to the issue. Proper cleanup of the site remains our first priority.</p> <p>Beyond the cleanup and closure, the City supported the Udall-Allard legislation in 2001 which resulted in having the site designated a national wildlife refuge. This was important to the City of Boulder not only to protect the site from future development but</p> <p>P.O. Box 791 • Boulder, Colorado 80306-0791 • (303) 441-3002 • Fax (303) 441-4478 • www.ci.boulder.co.us Printed on 100% Post Consumer Waste Paper</p> <div style="text-align: right; border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>RECEIVED APR 25 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> </div> | <p>9-1. Thank you for your comments.</p> <p>9-2. Although the Refuge will not be established until cleanup is completed, and the EPA and CDPHE have verified that all proposed refuge activities would be safe for the refuge worker and visitor, the Service believes that the proposed action for Refuge management and public access (Alternative B) would best balance wildlife and habitat management, and public access. Under Alternative B, most of the Refuge would be restricted to public access for the first 5 years to allow time for restoration efforts to be initiated. The Service does not believe that the proposed action imprudently rushes public access.</p> <p>Rocky Flats will not be the first refuge established on a former nuclear facility. Saddle Mountain NWR was established in Washington in 1971, with over 30,000 acres in the buffer zone of the DOE's Hanford Site. Saddle Mountain was included in the Hanford Reach National Monument, created as part of the Refuge System in 2000. Over 50,000 acres of the Hanford Reach National Monument is currently open to public use. Unfortunately, with the Refuge system there are dozens of sites that have to deal with a variety of contaminant issues related to former and/or adjacent land uses.</p> <p>9-3. The Service acknowledges that weed management and ecological restoration would be major issues on the Refuge, and for this reason the Service has elected to focus the first 5 years of Refuge management on these issues. After 5 years, the Service believes that the amount of public use proposed in Alternative B would be compatible with on-going restoration efforts and other Refuge needs. The Service believes that wildlife-dependent recreation such as interpretation and environmental education can provide the public with opportunities to observe how the Service is meeting its restoration and other management objectives.</p> <p>9-4. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies that DOE has completed cleanup and closure.</p> <p>9-5. Thank you for your comment.</p> |

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| | <p>also to preserve federal ownership of the site. Protection from development was an important part of our vision for the landscape given the efforts made by Boulder and Boulder County in setting aside open space adjacent to the site. Federal ownership was critical in our view to address the uncertainty of public health issues so that if any problems are detected in the future, the liability will be with the federal government – not local communities – to address those problems.</p> <p>To that end, we would like to point out language (p. 8) of the CCP/EIS that says the “USFWS will not assume full responsibility for the refuge until the EPA has deemed the cleanup complete”. According to the Rocky Flats National Wildlife Refuge Act, if any problems are found - even after transfer to USFWS - the DOE will be responsible for addressing them. We support that provision, and urge you to revise the CCP/EIS to be clear that USFWS should never have to assume “full” responsibility for the site.</p> <p>This is the first such site in the country to be transformed from a nuclear weapons production facility into a wildlife refuge, and it is imperative we proceed carefully. We believe a conservative approach is still appropriate when considering trails and public use, as we should remain cautious about public health risks and the potential for contamination. Local experience indicates that unforeseen issues do arise when managing sites that have been involved in the production and storage of toxic or hazardous materials:</p> <ul style="list-style-type: none"> • At the Rocky Mountain Arsenal (RMA), a former chemical production site being cleaned up and managed as a wildlife refuge, sarin bombs were found as recently as 2001, prompting a temporary closure and re-evaluation of that site. • In 2003 at the former Air Force Base at Lowry, asbestos was found during redevelopment of the site which includes new homes and schools. • In fall 2003 at Rocky Flats, an incinerator was discovered during clean-up remediation at the uranium ash pits, another site discovered only 2 years prior to 2003. <p>We also are concerned that there should not be a rush to cleanup and transfer. The DOE and USFWS are two very different agencies with different funding situations, missions and capacities. Prior to opening the site for public access, additional time should be provided for both agencies to work out details of the mandated land transfer. A memorandum of understanding about the details of this transfer is past due and needs to be completed by DOE as soon as possible.</p> <p>Additionally, we insist on continual post-closure monitoring of the site, even after transfer to USFWS. This is required according to the provisions of the Rocky Flats National Wildlife Refuge Act, and we would like to ensure there is sufficient post-closure monitoring on the Refuge lands. Post-closure monitoring in the buffer zone – conducted by DOE – is critical in verifying the long-term safety of the site. The CCP does not mention post-closure monitoring, nor does it include a contingency plan if post-closure monitoring detects exceedences. The CCP should be revised to address both post-closure monitoring and contingencies. This is particularly important if the CCP allows more public access, e.g. Alternative B or D.</p> | <p>9-6. Under the Refuge Act, the DOE will be responsible for any future cleanup-related response actions on the Refuge. The Final CCP/EIS includes additional discussion about DOE’s long-term responsibilities in Chapter 1 – <i>Purpose and Need</i>.</p> <p>9-7. See response to comment 9-2. The contamination levels in the area to become the Refuge are currently low enough not to require any response actions. All of the previously unknown contamination sites that have been discovered at Rocky Flats are all located within the area to be retained by DOE. Identifying and remediating such sites is purpose of the current cleanup efforts.</p> <p>9-8. It is the intent of the Service not to accept the transfer of administrative jurisdiction for any lands at Rocky Flats until the Memorandum of Understanding between DOE and DOI, required by the Refuge Act, is finalized. The Service is not “in a rush” to transfer. While the MOU has not yet been completed, the Service and DOE have continued to work cooperatively on many long-term transition issues.</p> <p>9-9. The CCP/EIS does not address post-closure contaminants monitoring on refuge lands because none is anticipated. The Service is currently unaware of any remedy-related monitoring that will be required on the lands currently identified for transfer into the National Wildlife Refuge System. DOE is responsible for all post-closure monitoring of the remedy, and is required by the Refuge Act to retain jurisdiction of any lands that require long-term monitoring. The Service does not believe that the RFCA parties are going to require long-term monitoring of Buffer Zone areas that are transferred to the Service. The City should address this concern to the RFCA parties and identify the “post-closure monitoring in the buffer zone” that the City believes is “critical.”</p> |

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| 9-10 | <p>In the end-state agreement signed by 5 members of the 7-member RFCLOG, the decision was made to focus the clean up more on surface remediation than on the subsurface. Specific areas in the subsurface of the DOE-retained lands are contaminated and will be left as such; institutional controls including caps and other monitoring systems will be put in place. It is critical that the public be kept away from these institutional controls. One concern we have is that black-tailed prairie dogs are present on the site. We know cleanup of the site is to about 1 foot (6-9 inches is most common), but black-tailed prairie dogs dig as deep as 15 feet. There must be monitoring for any contamination that may be brought later by the prairie dogs or other species involved in bioturbation which brings subsurface material to the surface.</p> | <p>9-10. The Refuge Act requires that the DOE retain jurisdiction and responsibility over all engineering structures or facilities and institutional controls related to cleanup. These areas are included in the DOE retained area. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. The FEIS was revised to elaborate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> |
| 9-11 | <p>Prior to allowing access to the site, DOE and USFWS must clearly state how access to the DOE-retained lands will be restricted. The purpose is to ensure that no one plays in the settling ponds, walks on the caps, damages the groundwater and surface water monitoring stations, etc. These important controls will be retained by DOE and we want to ensure that visitors to the refuge stay clear of these systems.</p> | <p>The Service has also recommended to the RFCA parties that DOE retained lands be posted with signs that prohibit public entry, and the Service is not opposed to more robust barriers around specific remedy monitoring sites and facilities that may be deemed appropriate by the RFCA Parties.</p> |
| 9-12 | <p>In addition, we support the need for a fence that will distinguish between DOE-retained lands and the Wildlife Refuge. We believe there must be a clear separation between the two, because public safety is more important than a “seamless” site (as referenced on p. 8 of the CCP). We expect there will also be some perimeter fencing as well – not a wall around the site, but some type of fencing to separate the Refuge lands from adjacent properties, similar to how we treat our open space holdings. New development anticipated to the south and east of the site will bring additional near-by users of the Refuge from residential areas and will place more pressure on recreational uses. It is critical to maintain public safety and keep the public out of harm’s way.</p> | <p>Regarding prairie dogs, the EPA and CDPHE have verified that subsurface contamination is not an issue in the area that will become the Refuge. The Service agrees with the City that continuous long-term monitoring and management of DOE retained lands to limit and quickly detect any pioneering of prairie dogs into areas where contaminants are left in the subsurface is an important issue that must be addressed in DOE’s long-term stewardship planning. Prairie dogs can disperse from a natal colony for distances over 10 miles, in a single movement and, therefore, could invade DOE retained lands from off-site as easily as from within the Refuge. The Service looks forward to working with adjacent landowners, including the City, in the long-term management of prairie dogs in this landscape.</p> |
| 9-13 | <p>As previously stated by the City, we support the Wildlife Refuge vision as desirable and compatible with our community goals. As a neighboring landowner, the City supports the draft goals, which include conserving and enhancing native ecosystems, plant communities and wildlife species. The proximity of the Refuge lands to other open space lands provides an extraordinary conservation opportunity. The Refuge lands will make important contributions in regional efforts to protect the values of native grasslands, shrublands and foothill riparian areas.</p> | <p>9-11. See response to comment 9-10.</p> |
| 9-14 | <p>The City maintains that the focus of management planning should be:</p> <ol style="list-style-type: none"> 1) The unique conservation opportunity of preserving a large and rare habitat unmatched anywhere along the Front Range of Colorado, and 2) The restoration of native plant and animal communities. <p>Management actions for USFWS-controlled lands should focus on the following:</p> <ul style="list-style-type: none"> ◆ Work to restore lands that have been degraded – including vegetation and wildlife. ◆ Proceed with caution due to the potential of elevated soil contamination levels. | <p>9-12. See response to comment 9-10. In regard to external fencing, the CCP/EIS recommends ongoing maintenance of the existing barbed-wire boundary fence, with appropriate boundary signage identifying the Refuge boundary.</p> <p>9-13. Thank you for your comment.</p> |

| Comment # | Letter #9 continued | Response |
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| 9-15 | <ul style="list-style-type: none"> ◆ Keep further fragmentation of Refuge lands to a minimum. ◆ Plan conservation areas and visitor facilities with regional focus that considers connections with surrounding trail systems, protected areas and the location of existing or proposed development. <p>We continue to offer our support and partnership in coordinating refuge planning and management with our City of Boulder Open Space and Mountain Parks north and west of the site. Under any alternative, we expect to coordinate conservation practices and management of visitor use on Open Space and Mountain Parks lands with the Refuge. We have directed staff to provide technical comments on the CCP/EIS under separate cover. Please contact Mark Gershman, Environmental Planner, at (303) 441-2046 or gershmanm@ci.boulder.co.us to follow up on this issue.</p> | <p>9-14. The Service acknowledges that ecological restoration, habitat protection, and regional conservation will be important components of and benefits from the establishment and management of the Refuge. The Service believes that the Proposed Action, Alternative B, would best achieve these goals.</p> <p>9-15. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p> |
| 9-16 | <p>We are also working with our colleagues on the RFCLOG to determine if all 7 affected local governments can support a common alternative for the management of the refuge. While we may have different opinions on the details of the refuge, we all are clearly in agreement on the following principles:</p> <ol style="list-style-type: none"> 1. The site should be preserved as a wildlife refuge. 2. Access to the lands remaining under DOE control should be restricted, due to the institutional controls that will be put in place. 3. Additional analysis needs to be completed prior to the closure of Rocky Flats and transfer of jurisdiction of lands to USFWS. 4. There must be a thorough cleanup to acceptable levels (as defined and certified by the regulators of the Site – Environmental Protection Agency and Colorado Department of Public Health and Environment) before the Site is transferred to ensure protection of human health and the environment. | <p>9-16. See response to comments 9-2 and 9-10.</p> <p>9-17. See responses to comments 9-8 and 9-10.</p> <p>9-18. Thank you for your comment.</p> |
| 9-17 | <p>We would like to know the status of DOE-USFWS discussions on an MOU regarding the site. Again, we are concerned that the liability should remain with the federal government and more specifically with DOE as they have the funding and expertise to address any problems. USFWS should not have to carry that burden, and likely cannot considering their limited budget. We want assurances that if additional federal funds and attention are needed at this site, they will be available. We question what types of contingency plans are in place in case USFWS has insufficient or no funding – the plan must explain how the refuge will be operated under such circumstances. (See p. 58 of the CCP which details refuge operations “based on available funds”.)</p> | <p>9-19. The Service acknowledges that the Refuge Act prohibits the construction of any roads through the site, and there has been no proposal to bisect the Refuge with a road.</p> |
| 9-18 | <p>We complement the USFWS on the language (p. 119) regarding mineral rights, as well as the recognition that properties between the west edge of Rocky Flats and Highway 93 need to be acquired/protected.</p> | |
| 9-19 | <p>On p. 67, the CCP mentions the Northwest Corridor Transportation Study. Boulder firmly supported the language in the Udall/Allard bill that prohibits construction of any roads through the site. We believe it is inappropriate to bisect the site for a roadway purpose, especially as we do not see a need for a major roadway in or around the Rocky Flats site as much of the land is open space and protected from future development. We</p> | |

| Comment # | Letter #9 continued | Response |
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| 9-20 | <p>also believe it is consistent with our "go-slow" approach to be careful when considering any use of the site. There is a separate EIS underway for the Northwest Corridor (Jefferson, Broomfield and Boulder counties), and the current recommendation by the consultant for that study is to eliminate any option that would cut through Rocky Flats. We support that recommendation.</p> <p>As some of these comments are beyond the scope of the CCP/EIS, we have copied the Department of Energy, Colorado Department of Public Health and the Environment, and the United States Environmental Protection Agency.</p> <p>Please contact Amy Mueller, Policy Advisor, at (303) 441-3005 or muellera@ci.boulder.co.us if you have any questions.</p> <p>Thank you for your consideration of these comments.</p> <p>Sincerely,</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  William R. Toor Mayor </div> <div style="text-align: center;">  Shaun McGrath Council Member and RFCLOG Director </div> </div> <p>Cc: Boulder City Council Rocky Flats Coalition of Local Governments Frazer Lockhart, DOE Doug Benevento, CDPHE Max Dodson, EPA Senator Wayne Allard Senator Ben Nighthorse Campbell Representative Mark Udall Representative Bob Beauprez</p> <p style="text-align: center;">5</p> | 9-20. Thank you for your comment. |

| Comment # | Letter #10 | Response |
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| <p>10-1</p> <p>10-2</p> <p>10-3</p> |  <p data-bbox="527 277 1083 402"> City of Boulder Open Space and Mountain Parks Department 66 S. Cherryvale Road, Boulder, CO 80303 303-441-3440 http://www.ci.boulder.co.us/openspace </p> <p data-bbox="989 402 1104 423">April 23, 2004</p> <p data-bbox="291 444 615 548"> Ms. Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, Colorado 80002 </p> <p data-bbox="291 570 384 586">Dear Laurie:</p> <p data-bbox="291 607 1094 688"> Thank you for the opportunity to comment upon the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge (the Refuge). I am providing these technical comments to supplement the official position of the City of Boulder, Colorado which was sent under separate cover in a letter dated April 20, 2004 from Mayor Will Toor and Councilmember Shaun McGrath. </p> <p data-bbox="291 709 1094 769"> As indicated in the comments from Mayor Toor and Mr. McGrath, the City supports Alternative C, Ecological Restoration, as the best alternative for the wildlife refuge at the Rocky Flats site. It is the City's position that the unique conditions at the proposed refuge warrant a conservative, "go-slow" approach. </p> <p data-bbox="291 790 1100 932"> The City supports the vision of a wildlife refuge at Rocky Flats as desirable and compatible with community goals. As neighboring landowners, the City supports the conservation of natural systems through a range of management actions that focus on restoration and threat abatement. The proximity of the proposed Refuge to Open Space and Mountain Parks lands provides us with excellent conservation opportunities that could have been lost if the Rocky Flats were developed for other uses. We look forward to working with the Fish and Wildlife Service (the Service) in collaborative efforts to protect the values of native species, communities and ecological systems in and around the proposed Refuge. </p> <p data-bbox="291 953 1100 1094"> At the request of the Boulder City Council, Open Space and Mountain Parks staff has reviewed the draft CCP/EIS and prepared the following comments. These comments are intended to provide feedback as requested by the Service on the merits of the alternatives discussed. Every effort has been made to provide substantive comments using the criteria provided by the Service. Each comment is preceded by a reference number in parenthesis which gives the page number in the draft CCP/EIS document. Each comment is followed by a number intended to identify which of the criteria the comment is intended to meet. The numbers refer to the Service's criteria as follows: </p> <ol data-bbox="323 1094 932 1192" style="list-style-type: none"> 1. Question, with reasonable basis, [the] accuracy of information in the document, or 2. Question, with reasonable basis [the] adequacy of the environmental analysis, or 3. Present reasonable alternatives other than those presented in the EIS 4. Cause changes revisions to the CCP or 5. Provide additional information relevant to the analysis. <p data-bbox="291 1213 1094 1338"> The Open Space and Mountain Parks Department would like to complement the Service and their planning team for the timely and thorough work presented in the draft CCP/EIS. The planning framework is clearly presented, and the analyses are thorough. A large amount of information has been obtained and processed in a remarkably brief time to produce a strong draft plan. The Open Space and Mountain Parks Department shares an interest and commitment to the range of natural resource management issues included in the plan, including the control of invasive exotic plant species, and the conservation of special habitats such as tallgrass prairie and riparian areas. </p> <div data-bbox="848 418 1037 574" style="border: 1px solid black; padding: 5px; transform: rotate(-15deg);"> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="text-align: center;">APR 27 2004</p> <p style="text-align: center; font-size: 0.8em;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> | <p data-bbox="1226 245 1629 272">10-1. Thank you for your comments.</p> <p data-bbox="1226 293 1955 354">10-2. Thank you for your comment. Working with others is one of the six planning goals of the Refuge.</p> <p data-bbox="1226 375 1913 461">10-3. Thank you for your comment. The Service believes that partnerships with neighboring jurisdictions will be an important component of Refuge management.</p> <p data-bbox="1226 482 1898 542">10-4. The Service acknowledges the landscape and ecological context of the Refuge.</p> <p data-bbox="1226 563 1976 948">10-5. The Service acknowledges that complete restoration to pre-settlement conditions is probably not achievable or even socially acceptable (e.g., natural wildfires, grizzly bears). The Service's goals in this area would be to restore, to the extent possible, native species and ecological processes that existed at the time of settlement and remove as many of the changes introduced by Euro-Americans as possible. In the pre-settlement era, it is likely that prairie dog populations on this site fluctuated over the centuries and it is likely that those populations will continue to fluctuate in the future. The Service believes its goals for prairie dog populations are achievable, socially acceptable, and with the range of habitation that may have occurred in the pre-settlement era – without unnecessarily threatening the integrity of the DOE remedy.</p> <p data-bbox="1226 969 1955 1055">10-6. Thank you for your comment. Working with others is one of the six planning goals of the Refuge, and compatible scientific research is a refuge purpose.</p> <p data-bbox="1226 1076 1976 1408">10-7. The Service agrees that the use of fencing to prevent overgrazing by wild ungulates in Preble's habitat/riparian areas is not a feasible or reasonable practice. The FEIS has been changed to reflect that. The Service anticipates that ungulate management through hunting, culling, or hazing would be sufficient to prevent degradation of riparian habitats by wild ungulates. Temporary fencing may be used to control movement of livestock used in grazing prescriptions and the Service would retain an option to use fencing to exclude wild ungulates from smaller and specific rare or unique plant communities, such as the tall upland shrubland community.</p> |

| Comment # | Letter #10 continued | Response |
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| | <p>We are especially appreciative of the Services development of Goal 5—fostering partnerships with government agencies to promote resource conservation, compatible wildlife-related research, public use, and infrastructure—and look forward to continuing our collaboration with the Service in these areas.</p> <p>The comments which follow have been gathered from land managers who have many years experience managing for visitor use, agricultural production and natural resource conservation in an area similar to the site of the proposed Refuge. We intend these comments as contributions to enhance the value of the plan in meeting the goals of the Service and the Rocky Flats Refuge Act.</p> <p>(S.3.) These wildlife communities are supported by the regional network of protected open space that surrounds Rocky Flats on three sides and buffers wildlife habitat from the surrounding urban development. (5)</p> <p>(S.4.) In the summary chapter, the goal of restoration is stated as striving to replicate pre-settlement condition. If this is the case, how was prairie dog management integrated? Is occupation of 20% of suitable habitat considered a presettlement condition? The Open Space and Mountain Parks land managers have found it difficult to manage for a specific or narrow range of prairie dog occupancy. (1)</p> <p>(S.5) The City of Boulder Open Space and Mountain Parks department has a natural resource research program. We look forward to opportunities to collaborate with the Service on important research questions associated with the urban/wildland interface.</p> <p>Given the restoration goal, how does the Service see it appropriate to construct fencing to exclude ungulates from Preble’s meadow jumping mouse habitat? Did these species not co-exist in pre-settlement times? Will hunting or culling not be sufficient to adjust herd size? Other management strategies have been used elsewhere to direct elk away from sensitive habitats such as providing hay or other food sources away from areas where protection is sought. (1)</p> <p>The CCP/EIS proposes under some alternatives to erect fencing to protect riparian habitat of Preble’s from native ungulate grazing. Wouldn’t such fencing be a significant barrier to movement for many other species in addition to deer and elk? How does the severity of effect of fragmentation by fencing compare with the effect of fragmentation by abandoned roads and trails?</p> <p>(37) A general restoration goal of pre-settlement condition suggests that roads, trails etc. should be minimized. The discussion of fragmentation under objective 1.4 describes how roads, trails and other disturbances create possibly hostile environments. Is this meant as a general description of one of the elements of fragmentation or do the Refuge managers believe that roads, trails or other disturbances function in this way at the Refuge? How? What sorts of “other disturbances?” If roads etc. are creating corridors for predators, are they not doing so for other species? It that significant? (1,2)</p> <p>(S.3) The summary of the draft CCP/EIS resources section states that many areas of the site have remain undisturbed for the last 30 to 50 years, allowing them to retain diverse habitat and associated wildlife. This gives the impression that disturbance does not perpetuate diversity and wildlife. Natural disturbances such as fire, grazing, floods are critical in supporting diverse and healthy ecological systems. Does the Service mean is “isolated from intense human activity, and land uses” rather than “undisturbed”. (1)</p> <p>(20) The CCP gives the impression that that “efforts to connect visitors to their natural resource heritage would distinguish the visitor experience from visits to nearby county and city open space properties”. This is not the case. Building connections between visitors and natural resources is a major focus of the City of Boulder Open Space and Mountain Parks’ and Boulder County Parks and Open Space’s education and outreach programming. Recent community surveys have indicated that the community values this connection as one of the key purposes of Open Space. We look forward to working with the Service to build these connections in a collaborative manner. (1)</p> <p>2</p> <p style="text-align: center;"><i>Open Space...Preserving a Wild Ideal</i></p> | <p>10-8. The discussion about the effects of fragmentation is intended to be a general description of the types of effects that have the potential to occur on the Refuge. The Service is not aware of any studies that document the specific effects of habitat fragmentation on natural resources at Rocky Flats. No such studies were conducted as part of the CCP/EIS development and analysis.</p> <p>10-9. As suggested by the comment, the term “relatively undisturbed” is intended to imply that the land has been isolated from human activity, and has not been totally undisturbed. The suppression of natural grassland fires is an example of how human intervention has altered the ecological systems at Rocky Flats.</p> <p>10-10. The FEIS was revised as to not mischaracterize the efforts of other jurisdictions.</p> <p>10-11. The Service’s goal in any cattle grazing prescription would attempt to emulate the pre-settlement bison grazing regime, using an intensive short-term rotation – flash grazing. The Service acknowledges that there will be costs for temporary electric fencing to implement such a grazing program, and that there may be difficulty in finding cooperative ranchers to participate in such a program. In that case, it may be necessary to use other means (such as prescribed fire or mowing) to restore a more natural disturbance regime. The Service does not believe that longer, market-driven rotations will produce the desired ecological benefits to Refuge grasslands. However, the Service looks forward to exchanging information with adjacent land managers to see if other grazing regimes may be suitable for refuge application.</p> <p>10-12. Depending on how it is applied, grazing would be used as a weed management tool, an ecological restoration tool, or both. The Service anticipates that grazing prescriptions applied for achieving the ecological integrity of habitats will generally involve cattle, to emulate bison grazing, and that most weed control prescriptions would involve other livestock species such as goats. Grazing is mentioned under several different objectives (1.2 – <i>Xeric Tallgrass Management</i>, 1.3 – <i>Mixed Grassland Prairie Management</i>, and 1.4 – <i>Weed Management</i>) as a tool that would be available to achieve that objective. In the DEIS, Table 4 incorrectly identified prescribed fire and grazing as a management tool under Mixed Grassland Prairie Management. The FEIS has been revised.</p> |

| Comment # | Letter #10 continued | Response |
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| 10-11 | <p>(37) Why limit grazing to “flash grazing” in alternatives B and C? By including such language, the Service seems to un-necessarily limit the management practices that may best achieve its goals. Are there no other grazing regimes which the Service could ever anticipate being beneficial? There are also feasibility and cost concerns. Some ranchers may not be able to respond to the Services needs for flash grazing. We have found that although some local ranchers are willing to address the non-traditional grazing requests associated with species and habitat conservation, most are not interested in grazing opportunities for less than three weeks. It may be possible, but it could be costly to find people who would be available for contract grazing. However, negotiating a grazing regime that is sustainable for an agricultural operator and the Service may be preferable because it would be revenue neutral, or even generate revenue from lease receipts. Furthermore, the lack of pasture fencing at the Refuge will require temporary fencing, increasing the costs and/or reducing the likelihood of effective containment. It is likely that the Service would need to have some flexibility to negotiate a mutually beneficial lease. (1,2,5)</p> | <p>10-13. The Service agrees that some experimentation with a variety of grazing techniques would provide useful, adaptive management guidance. Such experimentation would be considered in a step-down Vegetation Management Plan.</p> <p>10-14. The FEIS was revised to incorporate the suggestion.</p> <p>10-15. The Service anticipates that the extent of noxious weed infestations and the reduction of those infestations would be measured by their areal extent, and the relative density/severity of the infestations. The objective text was revised to include this information. Specific measures would be outlined in a step-down Integrated Pest Management Plan.</p> |
| 10-12 | <p>(39) It is unclear why the Service would seek to distinguish the role of grazing as an ecological restoration tool (rather than a weed management tool) in alternatives with grazing. By suggesting the full range of IPM tools is available in alternatives B and C, but grazing is not to be considered a weed management tool, the Service sets up contradictory or at least confusing guidance. (1,2,5)</p> | <p>10-16. The Service agrees with your assessment that the role of the prairie dog as a “keystone species” is a subject of scientific debate, while their contribution to grassland ecosystems is what is important. The text of Objective 1.7 was revised accordingly.</p> |
| 10-13 | <p>The draft CCP/EIS suggests that research will be needed to inform resource management on the Refuge. Experimenting with a variety of grazing treatments could provide information that would help the Service achieve its vegetation management goals. (5)</p> | <p>10-17. The FEIS has been revised to clarify the relationship between prairie dog colonies and noxious weed infestations.</p> |
| 10-14 | <p>(38) The following sentence in objective 1.5 (Weed Management), is difficult to understand. “Infested native plant communities are reduced in capacity to support wildlife populations and a diversity of organism”. Weedy areas can be more floristically diverse than undisturbed native habitats. It appears what is needed here is a statement that indicates that weeds alter the composition and structure of ecological systems, reducing the degree to which these systems support native plant and animal populations. (1,5)</p> | <p>10-18. The Service agrees that it can be difficult to manage and control prairie dogs, and that existing natural barriers are more effective. However, the Service does believe that it would be much easier to manage 750 acres of colonies than 2,400 acres, given projected future funding constraints. The limits on population expansion in Alternatives B and C are intended to provide a guideline that would allow sustainable population expansion while establishing a threshold at which the Service would intervene and control populations. A secondary purpose of limiting prairie dog expansion is to ensure that they would not colonize the DOE retained area, riparian habitat, or xeric tallgrass habitat.</p> |
| 10-15 | <p>(39) As a neighbor, the Open Space and Mountain Parks Department appreciates and shares the Service’s concern about the spread of weeds. The Service describes Alternative C and B as reducing the spread of other noxious weed species. How would this be measured? (2)</p> | <p>With regard to plague control, the Service agrees that prairie dog to human plague transmission is very rare. However, the Service does believe that plague control is a prudent preventative safety measure. The Service currently controls for plague at the Rocky Mountain Arsenal NWR in areas where visitors are present.</p> |
| 10-16 | <p>(41) Objective 1.7 describes that prairie dogs as a keystone species because they “provide food and shelter for many other grassland species”. Is it important to establish whether prairie dogs are a keystone species (a much debated topic in ecology)? Would it not be sufficient to indicate that “by virtue of their digging, clipping and feeding, prairie dogs significantly modify the environment and create habitats for species not found in grasslands undisturbed by prairie dogs”? (1,2)</p> | |
| 10-17 | <p>Not only do prairie dogs create habitat for other native species, their ground clearing and burrowing creates ideal seed beds for the germination of exotic invasive plant species. If the CCP/EIS notes this important relationship, it is not clearly identified as an important (albeit complicating) consideration for meeting the integrated weed management goals of the CCP. (2,5)</p> | |
| 10-18 | <p>Alternative B (and C?) implies that smaller prairie dog colonies mean fewer management issues or expenses. The City of Boulder Open Space and Mountain Parks Department’s experience is that management costs are not proportional to colony size. The easiest colonies to manage are those with effective barriers to dispersal (e.g. abrupt vegetation changes, roadways, wooded areas) and better isolation from neighboring conflicting land uses. Managing small colonies without good barriers or where the colony’s dispersal conflicts with adjacent land use is costly and typically ineffective. (1,5)</p> <p>It is unclear why visitors need to be protected from prairie dogs If it is because of concerns over plague, this concern should be stated explicitly (Prairie dog to human plague transmission is very rare). (2)</p> <p>3</p> <p style="text-align: center;"><i>Open Space...Preserving a Wild Ideal</i></p> | |

| Comment # | Letter #10 continued | Response |
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| 10-19 | No mention was found in the document of how the Service will work with the Jefferson County Health Department on plague related issues. | 10-19. As described in Objective 5.2 – <i>Conservation</i> , the Service will work with local governments to coordinate resource management issues. This would include issues related to plague. |
| 10-20 | (113) City of Boulder Open Space and Mountain Parks department’s local experience indicates that prairie dogs are in no way restricted to habit that fit the 1989 Habitat Suitability Index (HSI) model. With the exception of soil conditions (depth and composition), we have found low fidelity of actually prairie dog distribution with the predictions of the habitat suitability model. It is unclear how the HSI (Clippinger 1989) was used in drafting the analysis or strategies associated with prairie dog management/conservation. (1,5) | 10-20. The 1989 Habitat Suitability Index model was used to estimate the location and extent of potential prairie dog habitat on the Refuge, as shown in Figure 17. The Service is aware that prairie dogs often colonize areas that are outside of predicted habitat areas. Indeed, there is historical documentation of potential prairie dog colonies within the xeric tallgrass community where both the soils and the vegetation structure do not fall within the parameters of the model. However, the Service believes that it is likely that the historical prairie dog colonization of the tallgrass community was related to market-driven grazing practices by former landowners. For these reasons, the HIS model was used for general guidance and the prairie dog management objectives were designed to allow for intervention to prevent the colonization of “non-habitat” areas such as the xeric tallgrass prairie. |
| 10-21 | (98) While it may be true to changes to hydrology are beyond the scope of the CCP/EIS, these changes may have persistent and cascading effects upon the ecological systems on the site, especially upon riparian areas and habitat for the federally listed Preble’s meadow jumping mouse. Given the potential significant impact upon some key conservation issues, how can the Service conclude that they are beyond the scope of the plan? (2) | |
| 10-22 | (136) Similarly, the environmental effects of mining upon groundwater, riparian vegetation and subsequently Preble’s meadow jumping mouse are not fully analyzed. (2) | |
| 10-23 | (99) After describing how wind-blown sand from adjacent mining areas disturbed xeric tallgrass stands, the CCP does not identify any strategies to abate the threat of future wind deposition onto the refuge. Why isn’t a strategy proposed in the vegetation management section? (6) | |
| 10-24 | (138-9) The use of “average patch size” is an interesting approach to quantifying levels of fragmentation. However, would it not be more informative to compare the distribution of patches of varying size, rather than their average size? Distribution is more informative because it reflects on the ground conditions, where as average values don’t provide much information about the landscape context. Without information on number of patches, it is not even possible to gain a sense of the variance or range in patch size. Is this concept introduced as an illustrative part of the plan or a way of measuring or communicating success? Consider alternative presentations that may better describe the situation(e.g. include a map color coded by fragment size or a table/chart of fragment size distribution). Does the Service attach significance to the degree that trails, two tracks, or roadways (seldom or unused) create fragments? (1,2,5) | 10-21. The Service agrees that potential hydrological changes related to site closure and permitted mining may have substantial effects on Refuge resources. From a NEPA standpoint, these changes will occur before the CCP/EIS takes effect, essentially altering the “baseline” conditions. These changes are discussed under Future Baseline Conditions in Section 3.3, <i>Water Resources</i> . DOE is consulting with the Service to minimize impacts on the Preble’s from these hydrologic changes. |
| 10-25 | (140) It is appropriate for the Service to conclude that there is only “remote potential” for biological controls to affect non-target plant species. For example, one of the biocontrol agents identified in the CCP/EIS, the field bindweed mite, has the potential for significant adverse impacts upon a native hedge bindweed (<i>Calystegia sepium</i>) which is a locally uncommon rare plant species. This native species has been collected on the site of the proposed refuge. This species has been recently documented (24 June 1999) at Rocky Flats. It is also known from the following Front Range counties: Boulder, Denver, Weld and Larimer. (1,2,5) | It is noteworthy that the best Preble’s habitat at Rocky Flats appears to be in the Rock Creek drainage where there is no imported water. The hydrologic changes will surely impact other plant and animal resources at the site. Unfortunately, the Service is required by the Refuge Act to complete the CCP before the RFCA parties approve final plans for re-configuring the site’s industrial watersheds and it is not possible to determine what resources may be impacted, and how, by those hydrologic changes. |
| 10-26 | (7) The City of Boulder Open Space and Mountain Parks Department supports the conservation of lands adjacent to the site’s western boundary. | |
| 10-27 | (35) Strategy 1.2.6 identifies regional efforts to implement tallgrass prairie conservation. The City of Boulder Open Space and Mountain Parks has worked with the Colorado Natural Areas program to designate a state Natural Area for the conservation of tallgrass prairie. The Department looks forward to opportunities to work with the Service in conserving tall grass prairie; and suggests that Refuge managers contact the Colorado Natural Areas Program to discuss the appropriateness of state Natural Area designation for the site.(5) (41) The City of Boulder Open Space and Mountain Parks department has some experience in prairie dog mapping, which would be happy to share with the Refuge managers. (5) | 10-22. The FEIS has been revised to note that the Service would work with the mining operators and appropriate regulatory agencies to minimize and mitigate the effects of windblown soil deposition on the Refuge. |
| 4 | <i>Open Space...Preserving a Wild Ideal</i> | |

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| 10-28 | (42) Reintroduction efforts for plains sharp-tailed grouse and fish. The cooperative grouse reintroduction project of 2003 resulted in over two dozen birds being introduced to the wild, not five. (5) | 10-23. The presentation of “average patch size” is intended to be a general indicator of habitat fragmentation to compare the alternatives. For the purposes of the patch size analysis, all roads, regardless of their size, were considered equally. Although other, possibly more complex indicators are possible, they were not considered during the analysis process. |
| 10-29 | (55) City of Boulder Open Space and Mountain Parks rangers are certified peace officers and wildland firefighters capable of providing emergency response. The COB Open Space and Mountain Parks Department looks forward to discussing appropriate coordination of services. (5) | 10-24. Objective 1.5 – <i>Weed Management</i> has been revised to elaborate that the use of biological control agents will be carefully planned to reduce potential impacts on native species. |
| 10-30 | (56) Objective 5.2 (Conservation) For many years, representatives of Boulder and Jefferson County resource management agencies met periodically at a “Resource Manager’s Roundtable”. These meetings lapsed in the 1990’s. The Service’s commitment (under Alternative B, C and D) to meet annually with local agencies, could provide impetus to re-establish these meetings and leverage communication among many agencies rather than just between each agency and the Service. (5) | 10-25. The Service appreciates regional collaboration in protecting the ecological function of the Refuge and its interaction with neighboring open space areas. Working with others is one of the six planning goals of the Refuge. |
| 10-31 | The Service has proposed ways of measuring success and informing an adaptive management approach for most of the recommended strategies. However, there is almost no monitoring described for the objectives and strategies associated with Goal #5. We are very interested in working with the Service to develop strong, indicators of agency coordination and cooperation. (2,4,5) | 10-26. The Service looks forward to opportunities to work with the City of Boulder and other jurisdictions/agencies in the regional conservation of tallgrass prairie. |
| 10-32 | Please feel free to contact me if you have questions about these comments. Good luck with the next phase of the planning process. The City of Boulder Open Space and Mountain Parks Department looks forward to continued collaboration with the Service. | 10-27. Thank you for the offer of the City’s assistance. Working with others is one of the six planning goals of the Refuge. |
| | Sincerely,  Mark Gershman, Environmental Planner 720-564-2046 gershmanm@ci.boulder.co.us | 10-28. Section 3.5 of the FEIS was revised. |
| | cc: Will Toor, Mayor, City of Boulder Shaun McGrath, Council Member, City of Boulder Mike Patton, Director City of Boulder Open Space and Mountain Parks Amy Mueller, Policy Advisor, City of Boulder, City Manager’s Office Dave Kuntz, Division Manager Planning and Technical Services, City of Boulder Open Space and Mountain Parks | 10-29. The Service is dedicated to working with other jurisdictions to coordinate management and emergency response efforts, and looks forward to working with the City. |
| | | 10-30. The Service would support the establishment of periodic “roundtable” meetings to better coordinate regional resource management efforts. |
| | | 10-31. The Service acknowledges that many of the measures for Goal 5 – <i>Working With Others</i> are qualitative and subjective. However, the objectives illustrate the Service’s desire to work with the City and other entities on regional resource management issues. |
| | 5 <i>Open Space...Preserving a Wild Ideal</i> | 10-32. Thank you for your comments. |

| Comment # | Letter #11 | Response |
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| 11-1 |  <p style="text-align: center;">CITY AND COUNTY OF BROOMFIELD One DesCombes Drive • Broomfield, CO 80020 • Phone: (303) 469-3301</p> <p>May 14, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal - Building 121 Commerce City, CO 80022</p> <p>Re: Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for the Rocky Flats National Wildlife Refuge (RFNWR)</p> <p>Dear Ms. Shannon:</p> <p>The City and County of Broomfield is providing this revision to our previous comment letter dated April 23, 2004 on the Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for the Rocky Flats National Wildlife Refuge (RFNWR), dated February 2004. Our Rocky Flats Coalition of Local Governments representatives have requested revisions to our previous letter. Broomfield continues to support "Alternative B – Wildlife, Habitat & Public Use," and we wish to revise certain aspects regarding that support. The proposed alternative emphasizes the conservation of wildlife and their habitats while allowing a moderate level of public use.</p> <p>The City and County of Broomfield appreciates the efforts the Service has made to work with us to ensure the proposed alternative is compatible with Broomfield's vision and goals for public use of our open space and protection of wildlife and habitat. Broomfield supports the draft proposed action "<i>Alternative B – Wildlife, Habitat & Public Use.</i>"</p> <p>Throughout our letter, we use the phrase "DOE retained lands" referring only to those lands that will remain under the jurisdiction of the DOE which are generally in and around the current Industrial Area. While our comments primarily address the wildlife area of the refuge, it is assumed that wildlife will migrate into and out of the DOE retained areas. Words in italics are direct quotes from the CCP/EIS.</p> <p>The City and County of Broomfield has used the following general comment categories associated with the CCP/EIS which will be presented in this letter;</p> <ol style="list-style-type: none"> 1. Memorandum of Understanding 2. Wildlife and Habitat Management 3. Public Use, Education, and Interpretation 4. Refuge Operations, Safety and Partnerships | <p>11-1. Thank you for your comments.</p> <p>11-2. The MOU between the Service and DOE will be signed prior to Refuge establishment. The physical boundaries and how the lands retained by DOE will be demarcated will be defined by the RFCA parties and will not be identified in the MOU.</p> <p>11-3. See response to comment 11-2.</p> <p>11-4. See response to comment 11-2.</p> <p>11-5. See response to comment 11-2.</p> <p>11-6. Current Preble's populations at Rocky Flats have been documented by the DOE and are included in the Preble's Meadow Jumping Mouse Protection Area shown on Figure 16 – <i>Wildlife Resources</i>. Riparian and wetland vegetation is shown in Figure 13 – <i>Vegetation</i>.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 2 of 11</p> <p>The remainder of this document presents Broomfield’s comments in each of these general topic categories.</p> <p>1. Memorandum of Understanding</p> <p>1.1. Broomfield is apprehensive the Memorandum of Understanding (MOU) between the Department of Interior (DOI) and the Department of Energy (DOE) has not been finalized. The MOU was to be finalized on June 28, 2003.</p> <p>1.2. The MOU should clearly identify the physical boundaries and areas of management responsibilities by DOI and DOE. Based on assumptions that areas with residual contamination will be clearly demarcated and controlled</p> <p>1.3. The MOU should state that the Service will only receive lands with less than 7 pCi/g.</p> <p>1.4. <i>Alternative B</i> is our preferred alternative. It is imperative the Service identify a caveat in the CCP/EIS plan that the finalized activities and step-down management plans (operational documents) will be contingent on resolution of the MOU.</p> <p>2. Wildlife and Habitat Management</p> <p>2.1. <u>Preble’s Habitat Management</u> - We support the proposed surveys of the Preble’s habitat and protection of the Preble’s Meadow Jumping Mouse (PMJM).</p> <p>2.1.1. Broomfield is concerned the current population of the PMJM is not clearly known nor are the riparian areas clearly delineated in the maps within the CCP/EIS.</p> <p>2.1.2. We are not clear on the Service’s objective to protect the PMJM and riparian areas in the event surface water flow will no longer support the PMJM or its habitat on Walnut Creek. As water right owners of surface water flowing through the site, it is imperative our rights are preserved and not diverted for protection of the PMJM and associated riparian habitat that would otherwise degrade without imported water.</p> <p>2.2. <u>Road Restoration and Revegetation</u> - The plan identifies the need to restore 25 miles of road and 13 stream crossings for Alternative B. We understand road restoration and revegetation will require funding, labor, and time to allow vegetation to mature.</p> <p>2.2.1. While the phased-in approach and reasoning presented in the plan is acceptable, we ask that in addition to the Lindsay Ranch trails, the other planned trails be opened as soon as possible so that the public may visit and enjoy these areas.</p> <p>2.2.2. Long-term stewardship activities by DOE and potentially the regulators will require maintained roads to access the retention ponds, monitoring stations, landfills, treatment units, and areas of high erosion. Broomfield will also require maintained roads to access and maintain their ditches. We ask that you work with us to ensure maintained roads are available to access the DOE retained lands and the above mentioned stewardship locations</p> <p>2.3. <u>Weed Management</u> - The City & County of Broomfield supports the identified tools for weed management for Alternative B. The bullets which follow are individual issues Broomfield wishes to address within this topic.</p> <p>2.3.1. We ask to be consulted and allowed to participate in the development of an Integrated Pest Management (IPM) plan for the RFNWR.</p> | <p>11-7. It is the intention of the Service to manage Preble’s populations within the constraints that will exist at Refuge establishment. Reduced surface water flow is anticipated to be one of those constraints. The Refuge Act specifically protects existing private property rights on the Refuge, including water rights and related easements. However, the Service will not preclude future voluntary acquisition of water rights on a willing-seller basis.</p> <p>11-8. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service has elected to maintain the public use implementation plan that was proposed in the DEIS. The Service would be obligated to address ecological concerns related to noxious weeds and the revegetation of unused roads on the Refuge. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape. The Service has considered expanding the amount of trail to be opened in the first 5 years, and has revised Objective 2.13 – <i>Recreation Facilities</i> to allow greater flexibility to open additional trails in the first five years if restoration objectives are met and there is funding to open additional trails. The Service will not open trail connections to adjacent open space lands until those regional connections are in place.</p> <p>11-9. See response to comment 11-7. In addition, the Refuge access roads were designed to provide reasonable access to the McKay Ditch, the Upper Church Ditch, and other private property rights at Rocky Flats. The Service will work with the City and County of Broomfield to ensure reasonable access to ditches and associated easements.</p> <p>11-10. The Service would solicit the input and participation of the City and County of Broomfield, other jurisdictions, stakeholders, and the public during the development of an Integrated Pest Management Plan.</p> |
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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 3 of 11</p> <p>2.3.2. Chemical Control, herbicide application, should only be used with assurances that surface water quality will not be negatively impacted. DOE currently maintains a list of chemicals used to control weeds and has a process in place to provide us with an annual updated list of potential chemicals. The service should continue to provide us with an annual list of chemicals to be utilized for weed management and inform us any time chemicals are used within the Walnut Creek drainage areas.</p> <p>2.3.3. DOE also informs us any time aerial controls are used. We ask the Service to assume this role. Per previous meetings with the Service, it is our understanding the Service does not plan on using aerial chemical spraying to manage weeds.</p> <p>2.3.4. Prescribed fire used as a restoration tool is a very volatile topic for surrounding communities.</p> <p>2.3.4.1. We ask that we be included with the development of the Prescribed Burn Plan, specifically the size of the area to be burned at one time, air quality monitoring, pre-burn notification and the public involvement process.</p> <p>2.3.4.2. Broomfield does not support prescribed burns in the DOE retained lands.</p> <p>2.3.5. Biological Control should be used very carefully to not adversely affect native, non-target plant species.</p> <p>2.3.5.1. Clarify the potential effects to current native species if the bindweed mite is used at the Refuge.</p> <p>2.3.6. Grazing is proposed for Alternatives B and C.</p> <p>2.3.6.1. We have no issue with the use of transient grazing if controls are in place to ensure cattle, goats, or other livestock do not have access to the DOE retained lands.</p> <p>2.3.7. Weed Mapping is essential as a management tool to provide the Service information to respond to new infestations and implement weed control strategies.</p> <p>2.3.7.1. Clarify if the mapping will be provided to the public on an annual basis. This information will also serve surrounding open space land management agencies with their weed management strategy.</p> <p>2.3.7.2. If the Service intends to have an annual public meeting, we would partner with you and volunteer to host the meetings.</p> <p>2.4. <u>Deer and Elk Management</u> - Deer and Elk Management per the CCP/EIS will be maintained by the Service and the Colorado Department of Wildlife (CDOW). The plan states the deer and elk population will meet targeted numbers for Alternatives B, C, and D after three years.</p> <p>2.4.1. Clarify how the target populations will be identified. If the population is not managed, overgrazing or overbrowsing of vegetation would have potential minor adverse effects.</p> <p>2.4.2. With the impacts resulting in minor effects, will the target population numbers be similar for the different alternatives? The current population of deer and elk at the site do not seem to have an adverse impact to the current habitat; therefore, there may not be a need to cull the populations.</p> <p>2.4.3. We also ask the Service to defer its final decision on hunting at the RFNWR until analytical data is received from the frozen deer tissue to evaluate the uptake of</p> | <p>11-11. See response to comment 11-10. The Service is committed to working with the City and County of Broomfield and other jurisdictions in addressing your concerns about weed management at the Refuge. A step-down Integrated Pest Management Plan would incorporate those concerns, as well as many of the current practices that are employed by DOE.</p> <p>11-12. The Service would solicit the input and participation of the City and County of Broomfield, other jurisdictions, stakeholders, and the public during the development of a step-down Vegetation Management Plan and a specific Fire Management Plan. While the Service does not have management jurisdiction over the lands to be retained by DOE, it is our understanding that because of public concerns, prescribed fire would not be used within the retained area. In addition, the Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 10).</p> <p>11-13. Biological control measures would be carefully applied to avoid adverse effects to native species. The FEIS has been revised to include this language.</p> <p>11-14. Grazing programs would be highly managed, and would include adequate fencing to keep livestock out of the DOE retained area or other non-target areas.</p> <p>11-15. While the specific protocols for weed mapping and data sharing are not addressed in the CCP, the Service would be willing to share the annual weed mapping data with other jurisdictions and the public.</p> <p>11-16. The Service looks forward to partnering with the City and County of Broomfield, as well as other jurisdictions during all aspects of Refuge management.</p> <p>11-17. Target populations would be quantified based on habitat and population conditions and would be based on the professional judgment of Service and CDOW staff.</p> <p>11-18. If target populations were to be determined for each alternative, they would likely vary depending on the level of public use in the alternatives, as well as the habitat conditions that would vary between alternatives.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 4 of 11</p> <p>plutonium and/or uranium in ungulates. Once a White Paper is drafted on the final analysis and evaluation of uptake, we request a copy of the White Paper.</p> <p>2.5. <u>Prairie Dog Management</u> - Prairie Dog Management goals in the plan are not inclusive of the need to control prairie dogs for the entire site. The plan will trap and relocate prairie dogs from riparian areas if they have the potential to impact the riparian areas. Alternative B, C, and D, would relocate the dogs to protect xeric tallgrass habitat.</p> <p>2.5.1. Of key concern to the City & County of Broomfield is the need to control the population of prairie dogs to prevent colonizing into the DOE retained lands. Prairie dogs are known to burrow to seven-foot depths, and we do not want subsurface contamination brought to the surface to allow it to be dispersed into the environment. We ask a specified distance from the DOE retained areas to the prairie dog colonies be identified in the Prairie dog management plan to require a corrective action to relocate the prairie dogs. The corrective action will ensure protection of the remedy and maintain control of residual contamination.</p> <p>2.5.2. Under no circumstances should prairie dogs be relocated to the RFNWR from surrounding communities to avoid over populating the areas that will be proposed for them in the refuge.</p> <p>2.5.3. Alternative B would allow up to 750 acres to be occupied by prairie dogs, and this could have a negative impact on ecological habitats. Such a large amount of land set aside for prairie dog colonies will lead to an expansion of prairie dog colonies and adverse impacts to grassland communities.</p> <p>2.5.4. To assist in properly managing the prairie dog population, the number of acres allocated for prairie dog habitat should reflect the funding level for the Refuge management activities and the number of full-time employees assigned to the RFNWR.</p> <p>2.5.5. The CCP/EIS states human recreation is a significant component of Alternative B. Plague control methods may be used in prairie dog management for the protection of visitors. Clarify what is meant by “plague control methods regarding prairie dogs.”</p> <p>2.6. In the event pesticides have to be used to control prairie dogs, we also ask to be informed of the chemicals utilized and provided with a list of pesticides on an annual basis.</p> <p>2.7. <u>Species Reintroductions</u> - Species Reintroductions should be considered with the impact to surrounding communities and with our input.</p> <p>2.7.1. While we also support the federal preservation of endangered and threatened species, Broomfield is specifically concerned if introduced species to the site migrate onto Broomfield-owned property. We do not wish to incur additional costs to manage federally protected species on Broomfield-owned lands.</p> <p>2.7.2. We understand the CDOW would be primarily responsible for the implementation, management, and control of the consequences of introduction. We ask to be apprised of <u>all</u> the species' reintroduction and review of the management plan for the proposed species.</p> <p>2.7.3. We support the introduction of the sharp-tailed grouse on the Refuge per the plan.</p> | <p>11-19. Tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats.</p> <p>11-20. The EPA and CDPHE have verified that subsurface contamination does not exist in the area that will become the Refuge. The DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service is not responsible for prairie dogs within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it is prudent for the Service to maintain a sustainable prairie dog population and to keep those populations away from the retained area.</p> <p>11-21. Alternative D would allow for prairie dog relocation from other jurisdictions. Alternative B, the Proposed Action, does not.</p> <p>11-22. The prairie dog is an integral component of the prairie ecosystem. While there is about 2,400 acres of potential prairie dog habitat, there are currently about 10 acres of prairie dog colonies at Rocky Flats. The Service believes that it is prudent to manage for some prairie dog expansion, and that the 750-acre maximum threshold for prairie dog expansion would allow for a reasonable limit on sustainable prairie dog expansion. Prairie dogs would not be permitted to colonize riparian or wetland habitat, xeric tallgrass habitat, or the DOE retained area.</p> <p>11-23. The Service believes that the proposed funding levels would be adequate to manage prairie dogs and other Refuge resources.</p> <p>11-24. Plague control methods include the dusting of burrows to control fleas that spread plague. The discussion in Objective 1.7 – <i>Prairie Dog Management</i> has been revised to clarify that plague control methods will be used to protect prairie dog populations as well as Refuge visitors.</p> <p>11-25. The Service will provide this information to the City and County of Broomfield.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 5 of 11</p> <p>2.7.4. To succeed with the introduction of a species, we ask CDOW and the Service to work closely with the surrounding open space land management agencies.</p> <p>3. Public Use, Education, and Interpretation</p> <p>3.1. <u>Public Access</u>. The plan states between 2.4 – 3.0 acres of xeric tallgrass and mixed grassland prairie communities will be disturbed to construct new trails.</p> <p>3.1.1. If funding allows, there are no negative impacts to revegetated prairie communities, and Service’s staff is able to enforce appropriate trails use, we ask the Service to open additional trail segments within the 5-year timeframe. The RFNWR will provide visitors with vistas of xeric tallgrass and mesic prairies, upland shrub, wetland habitats, native wildlife, downtown Denver skyline, and mountain backdrops. It is our desire for the public to have the opportunity to enjoy the valuable resources at the site and appreciate its historical value. <i>Alternative B</i> provides a balance of protection for wildlife and habitat with compatible public use.</p> <p>3.2. <u>Designation of Impact Threshold Definitions</u>. The CCP/EIS identifies terms such as negligible, minor, moderate, and major in Table 10.</p> <p>3.2.1. Clarify the basis for the terminology to measure impacts from public use and activities at the Refuge.</p> <p>3.2.2. Broomfield does not agree if an air quality standard is exceeded due to actions by the Service at the Refuge that the impact should be considered only a “moderate” impact.</p> <p>3.3. <u>Trail Use</u>.</p> <p>3.3.1. In support of other local governments, Broomfield supports the position that trails on the southern side of the Refuge should have loops to prevent trails which are detrimental to the eco-system.</p> <p>3.3.2. The multi-use trails should be closely monitored to identify long-term impacts to the surrounding ecological communities, especially from equestrian and biking use. With hikers, bikers, and horseback riders all utilizing the same multi-use trail, some public visitors may not see these activities as compatible on the same trail. Clarify the process to ensure hikers will have a quality recreational use of the trails while still understanding the needs of the bikers and equestrian users.</p> <p>3.4. <u>Horses</u></p> <p>3.4.1. Broomfield is concerned with the potential impacts from horses to introduce imported noxious weed seeds in their manure, hooves, and coat. We are pleased to learn equestrian use at the site is contingent upon equestrian organizations volunteering to maintain the multi-use trail on the south side of the site.</p> <p>3.4.2. We do not support equestrian use on the northern half of the Refuge due to the sensitive habitat and wildlife located in Rock Creek and Walnut Creek drainages.</p> <p>3.5. <u>Trails Routes & Features</u></p> <p>3.5.1. Broomfield would like to thank the Service for working with us to connect a northern east/west trail on the RFNWR to our Open Space trail north of Great</p> | <p>11-26. The Service would work with the City and County of Broomfield, as well as other neighboring jurisdictions, in developing plans for any species reintroductions to the Refuge.</p> <p>11-27. The Service would like to clarify that between 1.4 and 3.2 acres of xeric tallgrass prairie would be disturbed by the new trails alignments (including those revised from the Draft CCP/EIS) that are proposed in Alternative B. With regard to trail implementation, see response to comment 11- 8.</p> <p>11-28. The basis for evaluating the impacts from public use or other Refuge activities (Table 10) were determined on an resource-specific basis, considering the nature of that resource on the Refuge and the range of possible effects to that resource.</p> <p>11-29. Air quality impact thresholds in Table 10 have been revised.</p> <p>11-30. The proposed trail configuration for Alternative B in the southern portion of the Refuge was revised to improve connectivity and provide a higher quality and more diverse visitor experience. While trail revisions slightly extend the length of trails proposed in Alternative B, they are still within a range that is reasonable for the Service’s goals for Alternative B. The Service does not believe that the benefits of significant trail additions warrant the increased construction and maintenance expense that they would require.</p> <p>11-31. Trail design, signage, education, and law enforcement would be used to promote a positive trail experience for all users.</p> <p>11-32. Thank you for your comments and participation.</p> <p>11-33. The Service recognizes the importance of coordinated trail planning, and is encouraged by the efforts of neighboring jurisdictions to develop trail connections that complement Refuge trails, including a north-south connection on the east side of Indiana Street. As described in strategy 2.13.13, trail connections could include a trail underpass at Indiana Street.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 6 of 11</p> <p>Western Reservoir. The plan references a pedestrian crossing. Clarify that this connection could also be an underpass beneath Indiana Street.</p> <p>3.5.2. Westminster open space management agency is working with our open space management agency to connect a south/north trail east of Great Western Reservoir to provide a loop around the RFNWR on the eastern side of the Refuge.</p> <p>3.5.3. We support the access points identified in the plan for Alternative B that directs visitors to orientation information, trailheads, and parking areas.</p> <p>3.5.4. Portable restroom facilities should be provided at high-use trailheads.</p> <p>3.5.5. We support the proposed SH 128 trailhead, but it may be more appropriate to site the parking lot at a lower elevation that is visible from SH 128. Access by hiking or biking would connect the parking lot and the northern Refuge trail.</p> <p>3.5.6. We support visitation at the site from dawn to dusk.</p> <p>3.5.7. Clarify the signage and wording for the access points that will inform visitors about conservation practices and priorities that may differ from surrounding open space areas.</p> <p>3.6. <u>Off Trail Use</u></p> <p>3.6.1. We support off-trail use based on the assumption that controls will be in place to prevent access from the general public into the DOE retained lands.</p> <p>3.6.2. Off-trail use should be allowed in the southern half of the site.</p> <p>3.6.3. In the northern half of the site, pedestrian off-trail use should be limited to areas that will not interfere with the PMJM and its habitat.</p> <p>3.7. <u>Multi-Use Trails</u></p> <p>3.7.1. Broomfield concurs with the Multi-Use (Equestrian, Bicycle, and Foot access) Trails compatibility determination on pages 224 through 227.</p> <p>3.7.2. We agree with the draft plan that equestrian and bicycle use are a form of transportation and recreation.</p> <p>3.7.3. We agree with the identified stipulations as noted in the compatibility determination.</p> <p>3.8. <u>Wildlife Observation and Photography</u> - Wildlife Observation and Photography are valuable activities that will allow the public to observe and appreciate the wildlife and overlooks at the RFNWR.</p> <p>3.8.1. The City & County of Broomfield agrees with the draft compatibility determination and stipulations necessary to insure compatibility identified on pages 228 through 231.</p> <p>3.9. <u>Hunting</u></p> <p>3.9.1. Broomfield believes that hunting is incompatible with the public use of the Refuge and for safety concerns since the Refuge is near populated areas.</p> <p>3.10. <u>Education</u>.</p> <p>3.10.1. We support the environmental education program proposed for Alternative B, which targets both on-site and off-site environmental education.</p> | <p>11-34. Thank you for your comment and participation.</p> <p>11-35. Portable restrooms will be available at the visitor contact station and main trailhead, but not at the perimeter trailheads.</p> <p>11-36. The proposed trailhead along SH 128 was located because of existing access and an existing disturbed area, access to striking views from the pediment top overlooking the Rock Creek drainage, and easy and low impact access to internal trails. A specific location that is closer to the grade of the existing roadway would be considered in the design process.</p> <p>11-37. Objective 2.2 – <i>Public Access</i> has been revised to elaborate that the access hours will be from dawn to dusk.</p> <p>11-38. Objective 2.13 – <i>Recreation Facilities</i>, has been revised to elaborate on the nature of interpretive signage at the Refuge entrances.</p> <p>11-39. Thank you for your comments and participation.</p> <p>11-40. Thank you for your comments and participation.</p> <p>11-41. Thank you for your comment and participation.</p> <p>11-42. The Service believes that a limited, highly managed hunting program would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations. Note that Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs.</p> <p>11-43. Thank you for your comment and participation.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 7 of 11</p> <p>3.10.2. It is crucial to encourage a search or independent study of the site’s natural and cultural resources. We would like to partner with you to develop a sound education program to focus on the natural, cultural, and historical aspects of the site.</p> <p>3.10.3. To ease public apprehension about the site and make visitors feel welcome, safe, and comfortable, it is imperative to communicate the cleanup results and ongoing safety measures performed by DOE and the regulators for both the Refuge area and the DOE retained lands. We once again volunteer to partner with the Service to develop a volunteer program focused on helping the public and site visitors understand efforts that have been made to ensure the safety of site users. As a surrounding community of the RFNWR, it is important for our citizens to feel safe and welcome to experience the Refuge.</p> <p>3.10.4. Keep us apprised of Refuge events and the progress of the CCP’s implementation.</p> <p>3.10.5. We ask that you work with us to identify the wording on signs, brochures, website, and other means to convey safety information.</p> <p>3.10.6. We could also serve as a contact to convey safety information during off-seasons.</p> <p>3.11. <u>Interpretive Facilities</u> - The anticipated initial cost of \$76,000 to develop interpretive facilities may not come to fruition if appropriate funding is not available.</p> <p>3.11.1. We will partner with the Service to work with non-profit organizations, other local governments, and government and state agencies to develop interpretive facilities and environmental education programs.</p> <p>3.11.2. We strongly support the self-study training program to be used by educators. The interpretation and environmental education program will definitely increase public appreciation for the Refuge System and conservation of our community’s natural resources.</p> <p>3.11.3. Including historical information of the site in the educational program will assist long-term stewardship efforts to ensure that maintenance and monitoring continues as long as it is needed to verify the effectiveness of the remedy which will promote public confidence in visiting the Refuge.</p> <p>3.12. <u>Interpretive Planning</u>.</p> <p>3.12.1. The plan addresses the development of a Visitor Services Plan, yet we struggle to understand how such a plan can be developed without knowing the mechanisms to control access to the DOE retained lands, ensure protection of Institutional Controls, and Engineering Controls.</p> <p>3.12.2. Signs on tours should not just address cultural and natural themes, but should also include signs addressing restrictions to the DOE retained lands. The signs should not stigmatize the Refuge, but rather inform and educate visitors of the need for the prohibition of access into the DOE retained lands.</p> <p>4. Refuge Operations, Safety and Partnerships</p> <p>4.1. <u>McKay Ditch and Upper Church Ditch</u> - The McKay Ditch and Upper Church Ditch, in which Broomfield owns water rights, are located on the west side of the Industrial Area and will continue to require maintenance for optimum operations. We have worked with</p> | <p>11-44. The Service welcomes Broomfield’s input to education programs, as well as independent research proposals.</p> <p>11-45. The CCP/EIS is written under the premise that the land will be sufficiently remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP would be safe.</p> <p>However, the Service also acknowledges the concerns of many members of the public regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, we have added an additional discussion of contamination issues in Section 1.8. The Service welcomes Broomfield’s input into public outreach and interpretation efforts.</p> <p>11-46. The Service welcome’s Broomfield’s input and participation during the development of a step-down Visitor Services Plan, as well as throughout the Refuge management process.</p> <p>11-47. See response to comment 11-46.</p> <p>11-48. The Refuge would include signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge. These would be developed in a step-down Visitor Services Plan.</p> <p>11-49. All step-down plans, including a Visitor Services Plan, would be completed after the MOU is completed and cleanup protocols are in place. No step-down plans will be developed until after the site becomes a refuge.</p> <p>11-50. See response to comment 11-48.</p> |

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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 8 of 11</p> <p>DOE to access the ditches while ensuring protection of the PMJM and riparian/wetland areas.</p> <p>4.1.1. We ask the Service to work with us to ensure access to McKay and Upper Church Ditch to make certain our actions are protective of the composition and integrity of riparian and wetland habitats to ensure a continued protection suitable for PMJM habitat.</p> <p>4.1.2. It is imperative our water, which conveys across Rocky Flats to the east and northeast, is protected</p> <p>4.2. <u>Fencing.</u></p> <p>4.2.1. We support using the existing barbed wire boundary fence to delineate the boundaries of the Refuge. The current fence appears to allow the movement of wildlife species onto and off of the site.</p> <p>4.2.2. We understand the CCP/EIS plan does not address control of the DOE retained lands. The draft document states: It is the goal of both the Service and DOE that to the extent possible, Rocky Flats will be a seamless property, with no or few obvious visual differences between Refuge and retained lands. Broomfield disagrees with this statement and is adamant the DOE retained lands should be clearly demarcated.</p> <p>4.2.3. If it is decided that a fence will be used to accomplish this, Broomfield recommends that only a standard, three-wire agricultural-type fence be constructed to prevent accidental access to the DOE retained lands. As a community downgradient from Rocky Flats, our goal is to ensure protection of surface water quality entering our community. This goal can only be achieved through protection of the remedy and protection of the monitoring equipment to evaluate the remedy. Per the recent public meetings held in March, it is apparent the public desires a fence around the DOE retained lands to control access to areas with residual contamination.</p> <p>4.3. <u>Partnerships.</u></p> <p>4.3.1. The City & County of Broomfield wants to be the first to volunteer to partner with the Service and provide the opportunity for our community to appreciate and visit the Refuge. We look forward to discussing our wildlife and wildlife habitat management strategies with the Service along with networking with other open space agencies to enhance our community's natural resources. Per the plan, this dialogue will improve and expand the range of available habitat for many species and protect wildlife movement corridors between properties.</p> <p>4.4. <u>Restrooms.</u> The plan states: The only restrooms at the Refuge would be located near and/or within the visitor contact station.</p> <p>4.4.1. The Service may want to consider having portable restrooms at the high-use trailheads to accommodate visitors taking long hikes.</p> <p>4.4.2. Clarify how water will be made available to the restrooms at the visitor contact station.</p> <p>4.4.3. If the contact station is staffed seasonally, will the restrooms be serviced during off-seasons?</p> | <p>11-51. See response to comments 11-7 and 11-9.</p> <p>11-52. Thank you for your comment and participation.</p> <p>11-53. In the DEIS, the Service recommended that the demarcation between the Refuge and the DOE retained area be “seamless” with few obvious visual differences. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>11-54. The Service looks forward to working with Broomfield and other adjacent jurisdictions to coordinate and improve the regional management of wildlife and their habitat.</p> <p>11-55. See response to comment 11-35.</p> <p>11-56. The Service plans on installing a cistern or other storage system to provide water to the visitor contact station, offices, and maintenance facilities.</p> <p>11-57. Regular routine maintenance activities, including servicing restrooms, would occur independent of whether a visitor contact station is staffed.</p> |
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| | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 9 of 11</p> <p>4.5. <u>Staff and Visitor Safety</u>. It is our understanding both of the security butler buildings will remain on-site for use by the Service for storage. Both of the buildings are within the DOE retained lands.</p> <p>4.5.1. To reduce unneeded access to DOE retained lands and reduce stress to the topography to prevent erosion, the butler buildings should be transferred to the lands transferred to DOI.</p> <p>4.5.2. It is vital to emphasize both EPA and CDPHE have concurred that the Refuge will be safe for public use.</p> <p>4.6. <u>Law Enforcement</u> - A law enforcement presence on-site is important to educate visitors to adhere to the rules of the Refuge.</p> <p>4.6.1. Broomfield is concerned the Service may not have sufficient funding to staff enforcement officers to protect wildlife and habitat and ensure visitor access to the DOE retained lands is prohibited.</p> <p>4.6.2. Broomfield is concerned the CCP/EIS does not identify the physical controls for DOE retained lands, nor does it identify who will be responsible for controlling access to these lands. We are making decisions and providing recommendations for future use at the Refuge based on DOE and the Service having a robust plan in place to protect the remedy and prevent public access to DOE retained lands.</p> <p>4.6.3. A layered institutional control program should be utilized to educate visitors and prohibit access to DOE retained lands.</p> <p>4.7. <u>Mining</u></p> <p>4.7.1. Broomfield is very concerned the mining rights issue has not been resolved and the MOU has not been signed.</p> <p>4.7.2. The impacts from future aggregate mining are clearly not compatible with the goals of a Refuge.</p> <p>4.7.3. The adverse effects of aggregate mining were not clearly identified in the CCP/EIS.</p> <p>4.7.4. Broomfield is apprehensive about the future of the Refuge if the mineral rights issue cannot be resolved. If DOI and DOE cannot come to an agreement about this one topic, we have reservations about the decision-making process to transfer lands from DOE to DOI prior to closure of the Rocky Flats Technology Site.</p> <p>4.8. <u>Transfer of Property</u></p> <p>4.8.1. The Rocky Flats Environmental Technology Site is currently listed as a Comprehensive Environmental Response, Compensation, and Liability (CERCLA) site and is identified on the National Priority List (NPL). The CCP/EIS does not address how or when transfer of lands between DOE and DOI will take place. The Bill addresses certification of the land, and we are not clear on the criteria for certification or its relationship to delisting CERCLA lands.</p> <p>4.8.2. We ask that any land be de-listed prior to transfer of lands to DOI. We also request clarification for the certification process and the comparison to the delisting</p> | <p>11-58. The transfer of existing structures for a Refuge maintenance facility will likely occur prior to Refuge establishment.</p> <p>11-59. The additional discussion of contamination issues in Section 1.8 emphasizes that the EPA and CDPHE concur that the lands to become the Refuge will be safe for any proposed Refuge management activities.</p> <p>11-60. The Service does not anticipate a constant law enforcement presence on the Refuge. However, the Service does believe that the proposed levels of staffing are sufficient to implement the management objectives that are proposed in the CCP.</p> <p>11-61. See response to comment 11-53.</p> <p>11-62. The Service agrees that surface mining would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. The Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p> <p>11-63. Chapter 4 has been revised to include additional analysis of the potential cumulative effects of mining on Refuge resources.</p> <p>11-64. See response to comment 11-62. There is no plan to transfer land from DOE to DOI prior to closure of the site.</p> <p>11-65. The CCP/EIS is written under the premise that the land will be sufficiently remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP will be safe. The exact nature of the certification, as well as issues related to the de-listing of the site or portions thereof from CERCLA, are matters for the EPA and the other RFCA parties. The RFCA parties have sought input from the Service on the certification standards.</p> <p>11-66. See response to comment 11-65.</p> |

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| <p>11-67</p> | <p>Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 10 of 11</p> <p>process. Revise the document to include the process to transfer lands and the public process.</p> <p>4.9. <u>Transportation Right-of-Way</u></p> <p>4.9.1. The transportation right-of-way easement is of key concern for Broomfield.</p> <p>4.9.2. The City & County of Broomfield wants to reiterate its position that the boundaries of the transportation right-of-way shall be at least 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of the enactment of the Rocky Flats National Wildlife Refuge Act of 2001.</p> <p>4.9.3. We agree the environmental impact of the right-of-way should be addressed in the Northwest Corridor EIS. Broomfield will also work through the Northwest Corridor process, including the EIS to ensure movement corridors for deer and elk from the site to nearby habitat areas are protected.</p> <p>The City & County of Broomfield expects that we will continue to be involved, informed, and allowed to participate and comment on the final CCP/EIS and step-down plans. Broomfield anticipates our issues and comments will be addressed at a future scheduled meeting. Broomfield once again appreciates the opportunity to share our community's vision and goals of open space to enhance and compliment wildlife, habitat, and public use activities at the RFNWR. If you have any questions, please feel free to call Shirley Garcia of my staff, at 303-438-6329.</p> <p>Sincerely,</p>  <p>Dorian Brown Director of Public Works</p> <p>pc: Gary Brosz, City & County of Broomfield City Council Lori Cox, City & County of Broomfield City Council Charles Ozaki, Deputy City and County Manager Kevin Stanbridge, Assistant City and County Manager Mike Bartleson, City & County of Broomfield Kathy Schnoor, City & County of Broomfield Kristan Pritz, City & County of Broomfield Shirley Garcia, City & County of Broomfield Sam Dixon, City of Westminster City Council Al Nelson, City of Westminster Dean Rundle, Service Manager for RFNWR Mark Sattelberg, Fish and Wildlife Service Hank Stovall, RFCLoG Steve Gunderson, CDPHE Mark Aguiler, EPA David Abelson, RFCLoG Ray Plieness, DOE</p> | <p>11-67. The Refuge Act directed that the land to be made available for transportation improvements should not extend more than 300 feet from the Indiana Street right-of-way. The Service acknowledges that the transfer of land for the purposes of transportation improvements is the responsibility of the DOE and would occur prior to the establishment of the Refuge. However, the Refuge Act directs the Service to make recommendations on land that could be made available for transportation improvements. To that end, the FEIS includes a new Section 4.16, which discusses potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> <p>11-68. Thank you for your comments and participation.</p> |

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| | <p data-bbox="317 224 611 293">Ms. Laurie Shannon May 14, 2004 – Revised Comments Page 11 of 11</p> <p data-bbox="375 313 533 358">Joe Legare, DOE John Rampe, DOE</p> | |

| Comment # | Letter #12 | Response |
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| <p>12-1</p> <p>12-2</p> <p>12-3</p> | <div style="text-align: center;">  <p>WESTMINSTER</p> </div> <p>APR 23, 2004</p> <p>APR 25 2004 RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL, HWR</p> <p>Laurie Shannon Planning Team Leader Rocky Mountain Arsenal National Wildlife Refuge Building 121 Commerce City, Colorado 80022-1748</p> <p>City of Westminster Office of the City Manager 4800 West 92nd Avenue Westminster, Colorado 80031 303-430-2400 FAX 303-430-1809</p> <p>Re: <i>The Draft Comprehensive Conservation Plan and Environmental Impact Statement</i>, dated February 2004</p> <p>Dear Ms. Shannon:</p> <p>The City of Westminster appreciates the opportunity to review and provide comments on the <i>Draft Comprehensive Conservation Plan and Environmental Impact Statement</i> (CCP/EIS) for the Rocky Flats National Wildlife Refuge (RFNWR). Westminster appreciates the effort the Service has made to work with the community collaboratively towards a common goal and objective.</p> <p>Westminster supports the draft proposed action "<i>Alternative B – Wildlife, Habitat & Public Use.</i>" Alternative B provides a balance between public use and protection of wildlife and habitat, while still controlling access to areas with residual contamination. Please reference our letter dated June 24, 2003, which addressed previous comments and concerns pertaining to the RFNWR. Some of our issues associated with stewardship controls are still outstanding from last year's letter and we anticipate they will be resolved through future dialogue and comments prior to the finalization of the CCP/EIS. City staff has very thoughtfully and thoroughly reviewed the CCP/EIS and has the following comments and recommendations:</p> <p><u>Objective 1.1 - Preble's Meadow Jumping Mouse (PMJM) Habitat Management</u></p> <p>We are concerned about the level of protection for the PMJM if the water available after remediation does not support a riparian habitat. This issue has not been clearly resolved.</p> <p>Riparian Area (wetlands, riparian areas & creeks) - As the amount of surface water is reduced, we do not want the Service to maintain any man-made areas requiring importation of water to maintain habitats within these areas. This issue has not been clearly resolved. Riparian and wetland habitat management in Alternative B would include the option for selective exclusion of grazing/browsing animals from sensitive riparian areas using fences. Additional characterization of the Buffer Zone will only include surface soils and</p> <p><small>*printed on recycled paper</small></p> | <p>12-1. Thank you for your comments.</p> <p>12-2. DOE has been working with the Service to minimize impacts on the Preble's from hydrologic changes of site closure. It is the intention of the Service to manage Preble's populations with the resources that will exist when the Refuge is established. Reduced surface water flow is anticipated to be one of the hydrologic changes. The Refuge Act specifically protects existing property rights on the Refuge, including water rights and related easements. However, the Service would consider future voluntary acquisition of water rights on a willing-seller basis.</p> <p>12-3. See response to comment 12-2.</p> <p>Any residual contamination in the buffer zone is limited to surface contamination that is well below cleanup levels that are required to protect public safety. All areas with significant surface or subsurface contamination will be within the lands to be retained by DOE, and will be remediated. For that reason, the EPA and CDPHE have verified that Refuge operations, including the digging of fence posts, would not expose additional contamination to Refuge workers or the public.</p> |

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| | <p data-bbox="478 245 594 305">Laurie Shannon April 23, 2004 Page 2</p>  <p data-bbox="478 350 1045 428">contamination could potentially be encountered during the process to dig holes for posts for fencing to exclude ungulates. Provide the City with any short-term or long-term plans, if any, to monitor and/or sample for contamination during excavation or any soil disturbance.</p> <p data-bbox="478 448 806 467">Objective 1.2 - Xeric Tallgrass Management</p> <p data-bbox="478 488 1045 626">Support if areas already contain xeric tallgrass. We do not want to expend additional funds that may be taken from long-term stewardship (LTS) activities. Biomes will eventually mature to shrubland and we do not know what the Service's plans will be to maintain the xeric tallgrass. If soil is disturbed, will a Radiological Control Technician (RCT) be available to monitor for contamination? We need the cost estimate to restore large areas of grassland and the potential for the habitat restoration to be successful.</p> <p data-bbox="478 646 877 665">Objective 1.3 - Mixed Grassland Prairie Management</p> <p data-bbox="478 686 1045 764">Tilling and any disturbance of soil will have to have controls in place to ensure contamination is not dispersed into the environment or that the footprint of the Industrial Area (IA) is enlarged. If soil is disturbed, will a RCT be available to monitor for contamination? We support revegetation of the hay fields.</p> <p data-bbox="478 784 856 803">Objective 1.4 - Road Restoration and Revegetation</p> <p data-bbox="478 824 1045 980">We will require roads to access monitoring stations and remedies. Further discussion is required. If soil is disturbed, will a RCT be available to monitor for contamination? We need to ensure roads are maintained to treatment units, caps, and monitoring areas such as wells, drainages, and air monitoring stations. We support the removal of culverts in areas where roads will no longer be required, but they should be kept in areas where vehicle traffic will be used to monitor the remedy. We ask that you work with us to ensure maintained roads are available to access the IA and the above mentioned stewardship locations.</p> <p data-bbox="478 1000 741 1019">Objective 1.5 - Weed Management</p> <p data-bbox="478 1040 1045 1101">The City supports the identified tools for weed management for <i>Alternative B</i>. We ask to be consulted and allowed to participate in the development of an Integrated Pest Management (IPM) plan for the RFNWR.</p> <p data-bbox="478 1122 1045 1243">Grazing - We support grazing in the non-IA, if goats are used for weed management. We support use of cattle in the hay fields to contribute to a more diverse ecological ecosystem. Animals must be controlled by temporary electric fences. Due to the potential risk of remaining contamination on the surface and in the sub-surface, grazing is not acceptable in the IA. Other options are acceptable if controlled and a plan is in place and the public has an opportunity to</p> | <p data-bbox="1226 167 1980 678">12-4. The budget for Refuge management activities, including habitat restoration and revegetation would be allocated separately through Department of the Interior appropriations. Long-term stewardship of the DOE retained area will be funded through DOE appropriations. Xeric tallgrass management activities on the Refuge would not affect budgets for DOE long-term stewardship. Maintenance of the xeric tallgrass prairie is one of the reasons Congress authorized the Refuge. The Service's plans for maintaining xeric tallgrass are described in Objective 1.2 – <i>Xeric Tallgrass Management</i>. It is the Service's belief that the xeric tallgrass community has persisted for a very long time, and is the climatic vegetative community on the portions of the site it occupies. The Service believes there is insufficient annual precipitation at this site to allow the xeric tallgrass community to advance successional into a shrubland. If that were the case, a shrub/scrub community likely would have replaced the tallgrass prairie in the time since DOE acquired most of the land in 1951.</p> <p data-bbox="1226 716 1980 894">The Service does not plan to employ a Radiological Control Technician to monitor habitat restoration activities. The CDPHE and EPA have verified that such activities can be conducted on future refuge lands without threatening human health. In regard to general issues about residual contamination, see the response to comment 12-3, as well as the expanded discussion in Section 1.8 of the FEIS.</p> <p data-bbox="1226 914 1980 971">12-5. See response to comment 12-3, as well as the expanded discussion in Section 1.8 of the FEIS.</p> <p data-bbox="1226 992 1980 1138">12-6. The Refuge access roads were designed to provide reasonable access to the DOE retained area, all monitoring facilities, ditches and other private property rights at Rocky Flats. The DOE will retain responsibility for all of the lands and access roads related to the cleanup and remedy facilities.</p> <p data-bbox="1226 1157 1980 1247">12-7. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of an Integrated Pest Management Plan.</p> |

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| | <p data-bbox="485 240 596 298">Laurie Shannon April 23, 2004 Page 3</p>  <p data-bbox="485 342 1045 380">publicly comment. Our decision will also be based on the sampling methodology for the Buffer Zone and White Spaces and the results of the sampling.</p> <p data-bbox="485 402 1045 480">12-9 Prescribed fire - If using prescribed fire, work with Westminster on comprehensive burn plan. The maximum area to be burned should not exceed the current maximum area allowed in the Revegetation Plan. Air monitoring and qualified RCT should both be in place during the burns.</p> <p data-bbox="485 500 1045 578">12-10 Pesticides and Herbicides Use - Support limited use with an approved list of chemicals and that pesticide or herbicide application should only be used with assurances that surface water quality will not be negatively impacted. Utilize current process of notification to local governments.</p> <p data-bbox="485 597 798 618">12-11 <u>Objective 1.6 - Deer and Elk Management</u></p> <p data-bbox="485 638 1045 854">We will withhold judgment on hunting until the results of the tissue sampling that is being carried out, is completed. We reiterate that the service should defer its final decision on hunting at the RFNWR until analytical data is received from the frozen deer tissue to evaluate the uptake of plutonium and/or uranium in ungulates. Hunting must be limited to archery or crossbow only; we do not support the use of shotguns or muzzleloaders due to the proximity of high use highways and commercial and residential areas. Will the site have the same protocols for releasing culled animals off-site? If the animals are not consumed, how will FWS dispose of carcasses? At this point we do not support an expanded hunting program with such a short phased in approach. The two-year reinvestigation for opening the site to other hunters should be at least five years.</p> <p data-bbox="485 873 1045 932">12-12 The CCP/EIS should delineate exactly where on the refuge possible hunting areas will be located. The areas must have a definite exclusion area from surrounding public and private lands.</p> <p data-bbox="485 951 791 972">12-13 <u>Objective 1.7 – Prairie Dog Management</u></p> <p data-bbox="485 992 1045 1128">We support, if they do not impact the remedy. We ask a specified distance from the Industrial Area to the prairie dog colonies be identified in the prairie dog management plan to require a corrective action to relocate the prairie dogs. The corrective action will ensure protection of the remedy and maintain control of residual contamination. Under no circumstances should prairie dogs be relocated to the RFNWR from surrounding communities. Any colonies near remedy areas MUST be relocated or eradicated.</p> <p data-bbox="485 1148 770 1169">12-14 <u>Objective 1.8 - Species Reintroduction</u></p> <p data-bbox="485 1188 1045 1232">We support, if they do not impact the remedy and their migration to adjoining properties is strictly controlled.</p> | <p data-bbox="1228 167 1969 407">12-8. Depending on how it is applied, grazing by both goats and cattle can serve as a weed management tool, an ecological restoration tool, both, or neither. Grazing is mentioned under several different objectives (1.2 – <i>Xeric Tallgrass Management</i>, 1.3 – <i>Mixed Grassland Prairie Management</i>, and 1.4 – <i>Weed Management</i>) as a tool that is available to achieve that objective. As noted by the State Weed Coordinator in comment 6-6, it is important to maintain flexibility in applying managed grazing to site-specific conditions.</p> <p data-bbox="1228 440 1976 589">The Service does not have management jurisdiction over DOE-retained lands, including most of the Industrial Area. The Service has not recommended any grazing activities within DOE retained lands and is not aware of any proposal by the RFCA parties to graze those lands for any reason.</p> <p data-bbox="1228 609 1976 971">12-9. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of a step-down Fire Management Plan. The EPA and CDPHE have verified that all of the proposed Refuge management activities, including prescribed fire, would be safe. However, in response to concerns about residual contamination associated with the 903 pad, the Service has taken a conservative approach and does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 8). The Service will rely on CDPHE recommendations and requirements regarding air monitoring during any application of prescribed fire.</p> <p data-bbox="1228 990 1976 1260">12-10. See response to comment 12-7. The Service is committed to working with the City of Westminster and other jurisdictions in addressing concerns about weed management at the Refuge. A step-down Integrated Pest Management Plan would incorporate those concerns, as well as many of the current DOE practices. The Service complies with EPA-approved labels. All proposed pesticide applications on the Refuge would go through a rigorous Pesticide Use Proposal review process in accordance with DOI policy, prior to use on the Refuge.</p> |

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| <p>12-15</p> <p>12-16</p> <p>12-17</p> <p>12-18</p> <p>12-19</p> | <p>Laurie Shannon April 23, 2004 Page 4</p>  <p>Objective 2.2 - Public Access</p> <p>Trails - Final decisions will be based on the institutional controls of the IA. Westminster would like an additional foot trail from the Westminster access point on Indiana to the Overlook in the southern part of the site. The multiuse trail along the southern boundary must be far enough from the planned Arvada development so as to have a buffer between the two. In support of other local governments, trails on the southern side of the Refuge should have loops to prevent social trails. The multi-use trails should be closely monitored to identify long-term impacts to the surrounding ecological communities, especially from equestrian and biking use. With hikers, bikers, and horseback riders all utilizing the same multi-use trail, some public visitors may not see these activities as compatible on the same trail. Clarify the process to ensure hikers will have a quality recreational use of the trails while still understanding the needs of the bikers and equestrian users.</p> <p>Equestrian use – We do not support equestrian use on the northern half of the Refuge due to the sensitive habitat and wildlife located in Rock Creek and Walnut Creek drainages. We support equestrian use on southern trails only, but have the following questions:</p> <ul style="list-style-type: none"> • How will riders stay on designated trails? • Who will enforce the activity and ensure the activity is only on designated trails? • Horses will have to be kept out of the IA and drainages. What controls will be in place to protect the water? • We need to review the studies of equestrian use at other Department of Defense (DoD) and Department of Energy (DOE) sites and their impacts to ecological systems and remedies. <p>Mountain biking – We support mountain biking on all perimeter trails, but have the following questions:</p> <ul style="list-style-type: none"> • How will riders stay on designated trails? • Who will enforce the activity and ensure the activity is only on designated trails? Bikes will have to be kept out of the IA and drainages, what controls will be in place to protect the water? <p>Off-trail use – We support during seasonal activities such as possible hunting or bird watching. We need more information about the type of activity and controls in place to protect the remedy. This activity must be closely monitored to ensure it is pedestrian only and NO horses or bicycles go off-trail. Controls must be in place to keep people off the remedy and out of DOE maintained areas.</p> <p>Phased in approach – We support the Lindsay Ranch trail being opened during the first five years and the plan to revegetate specific areas and open the other areas as they are prepared for public use.</p> | <p>12-11. Tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats.</p> <p>12-12. The exact structure and locations of the proposed hunting programs would be documented in a step-down Hunting Plan. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of this plan. The Final CCP/EIS has been revised to propose only archery and shotguns for deer/elk hunting. The proposal to allow use of muzzle-loading rifles has been removed in consideration of safety comments received during public review of the Draft CCP/EIS.</p> <p>12-13. The EPA and CDPHE have verified that subsurface contamination does not exist in the area that will become the Refuge. The DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service is not responsible for prairie dogs within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it is prudent for the Service to maintain a sustainable prairie dog population and to keep those populations away from the retained area.</p> <p>During their annual dispersal from natal colonies, prairie dogs may move as far as 10 miles or more, pioneering into new areas. Hence, it is as likely that prairie dogs could invade DOE retained lands from areas outside Rocky Flats as they could from within the Refuge. There is no biologically sound, or practical management reason to establish any specific distances to keep prairie dogs away from DOE retained lands. Other issues such as vegetative structure and natural barriers are more important than distances. In any case, DOE will need to develop a robust stand of vegetation in the Industrial Area and maintain long-term monitoring to prevent burrowing animals from compromising the remedy.</p> |

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| | <p data-bbox="470 250 583 310">Laurie Shannon April 23, 2004 Page 5</p>  <p data-bbox="470 354 1050 477">Access Hours – We support that the refuge will be open only during the day with identified hours of operation. We support the access points identified in the plan for Alternative B that directs visitors to orientation information, trailheads, and parking areas. Clarify the signage and wording for the access points that will inform visitors about conservation practices and priorities that may differ from surrounding open space areas.</p> <p data-bbox="470 496 1050 557">Balance between refuge activities and IA protection – We need the memorandum of understanding (MOU) so we can better understand how this issue is going to be resolved.</p> <p data-bbox="470 576 1050 699">Controls - DOE needs to address this issue in their remediation documents and closure documents such as the Corrective Action Decision/Record of Decision (CAD/ROD) or post-Rocky Flats Cleanup Agreement (RFCA). Remedy protection will always have priority over refuge goals and activities. We support remediation of the old firing range. Erosion controls have to be evaluated on their long-term impacts and remedial action goals.</p> <p data-bbox="470 719 1050 779">Adjacent Land Protection – The City supports the Service’s proposal to pursue habitat-protection partnerships, conservation easements and/or acquisition of lands west of the refuge.</p> <p data-bbox="470 799 852 820"><u>Objective 2.8 - Environmental Education Planning</u></p> <p data-bbox="470 839 1050 1040">Support - We foresee the opportunities the refuge may have for education of ecological, environmental, and historical information. Educating the public and preserving the historical memory of the site will service several different functions. One function is to preserve and educate people on the past use of the site during the Cold War era. If B060 could be acquired for the Museum/Visitor’s Center, it could be used to remind future generations of areas with residual contamination and the need to maintain institutional controls. The Center would also allow the Service a facility in which to conduct their education and outreach programs as well as an operations and maintenance facility to house staff.</p> <p data-bbox="470 1060 730 1081"><u>Objective 2.10 - Hunting Program</u></p> <p data-bbox="470 1101 915 1122">See comment under Objective 1.6 - Deer and Elk Management</p> <p data-bbox="470 1141 747 1162"><u>Objective 2.13 - Recreation Facilities</u></p> <p data-bbox="470 1182 1050 1242">There should be no parking for horse trailers at trailheads where direct equestrian access to the refuge for equestrian use is not allowed. Biking only on perimeter trails.</p> | <p data-bbox="1226 167 1969 282">12-14. The Service would work with the City of Westminster, as well as other neighboring jurisdictions, in developing plans for any species reintroductions to the Refuge. Such language has been added to Objective 1.8 – <i>Species Reintroduction</i>.</p> <p data-bbox="1226 302 1969 667">12-15. The Service considered additional trail configurations, including those requested by the City of Westminster, other jurisdictions, and organizations. The proposed trail configuration for Alternative B in the southern portion of the Refuge was revised to improve connectivity and provide a higher quality and more diverse visitor experience. The overall length of trails in Alternative B was increased only slightly, so it would not significantly increase the cost of maintaining Refuge trails. As described in Objective 1.5 – <i>Weed Management</i>, trails would be informally surveyed for new weed infestations and other ecological issues. Trail design, signage, education, and law enforcement would be used to promote a positive trail experience for all users.</p> <p data-bbox="1226 686 1927 802">12-16. All public uses, including equestrian access, would be managed through a combination of signage, education, and law enforcement. These methods have proven to be effective at other Refuges and in many open space areas.</p> <p data-bbox="1226 837 1969 1081">The Service believes that these same controls would be effective in keeping the public out of the DOE retained area. However, in response to concerns about access to the DOE retained area, the Service has recommended to the RFCA parties that a barbed-wire agricultural fence and/or permanent obelisks demarcating the interior property boundary could be used to delineate the retained area without adversely affecting the movement of wildlife or aesthetics on the Refuge.</p> <p data-bbox="1226 1101 1654 1122">12-17. See response to comment 12-16.</p> <p data-bbox="1226 1141 1969 1414">12-18. Off-trail use would be allowed on a seasonal basis, for pedestrian access only, in the areas south of the primary multi-use trail in the southern part of the Refuge (see Figure 25). Use restrictions would be managed through signage, education, and law enforcement. In regard to specific concerns about residual contamination, the EPA and CDPHE have verified that any proposed public uses, including off-trail use, would be safe. In addition, the proposed off-trail use areas are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).</p> |

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| | <p data-bbox="459 240 579 302">Laurie Shannon April 23, 2004 Page 6</p>  <p data-bbox="459 347 669 367"><u>Objective 3.1 - Staff Safety</u></p> <p data-bbox="459 386 1045 428">Workers shall meet all the regulatory training requirements: including but not limited to: OSHA, Radiation Worker, Emergency Response, etc.</p> <p data-bbox="459 451 686 470"><u>Objective 3.2 - Visitor Safety</u></p> <p data-bbox="459 490 1045 672">We believe a process should be in place to prevent access to the IA from the general public. We suggest fencing as well as signs posted around the IA to prevent access to the area. The signs could state "Environmental Restoration and Study Area, No Public Access Allowed." This wording will not convey that there is residual contamination in the area, but still provides a reasonable precaution. The IA will contain residual contamination in the soils and contaminated groundwater and we prefer access to the area only be given to FWS or to personnel performing stewardship activities. Activities allowed at the refuge will be based on controls for the IA and presence of the Service at the site.</p> <p data-bbox="459 695 659 714"><u>Objective 4.1 – Outreach</u></p> <p data-bbox="459 734 1003 753">Vision? Needs? Still waiting for the MOU to determine needs and funding.</p> <p data-bbox="459 776 697 795"><u>Goal 5 - Working with Others</u></p> <p data-bbox="459 815 1012 834">Mineral Rights - This is still an outstanding issue. We need further dialogue.</p> <p data-bbox="459 857 1045 1198">MOU - The City is apprehensive that the MOU between the Department of Interior (DOI) and the DOE has not been finalized. The MOU was to include valuable information, which would clearly identify the physical boundaries and areas of management responsibilities by DOI and DOE. Based on assumptions that areas with residual contamination will be clearly demarcated and controlled and the Service will only receive lands with less than 7 pCi/g, <i>Alternative B</i> is our preferred alternative. It is imperative the Service identify a caveat in the CCP/EIS plan that the finalized activities and step-down management plans (operational documents) will be contingent on resolution to the MOU. Westminster is very concerned the mining rights issue has not been resolved and the MOU has not been signed. The impacts from future aggregate mining are clearly not compatible with the goals of a Refuge. The adverse effects of aggregate mining were not clearly identified in the CCP/EIS. Westminster is apprehensive about the future of the Refuge if the mineral rights issue cannot be resolved. If DOI and DOE cannot come to an agreement about this one topic, we have reservations about the decision making process to transfer lands from DOE to DOI prior to closure of the Rocky Flats Technology Site.</p> <p data-bbox="459 1221 1045 1279">Partnerships - The City wants to be the first to volunteer to partner with the Service and provide support to ensure our community appreciates and utilizes the opportunities the Refuge will provide. We look forward to discussing our</p> | <p data-bbox="1226 165 1633 185">12-19. Thank you for your comment.</p> <p data-bbox="1226 211 1969 360">12-20. Objective 2.2 – <i>Public Access</i> has been revised to elaborate that public access would be limited to daylight hours. Objective 2.13 – <i>Recreation Facilities</i> has been revised to include the City’s specific suggestion about the Refuge and its distinction from nearby open space areas.</p> <p data-bbox="1226 383 1969 620">12-21. It is the Service’s intent not to accept transfer of administrative jurisdiction of any lands at Rocky Flats until the MOU between DOE and DOI, as required by the Refuge Act, is finalized. It will be up to the RFCA parties to determine how the response actions are protected, while the EPA will determine what lands are certified. As outlined in the Refuge Act, any issues related to maintaining response actions will take precedence over Refuge management activities.</p> <p data-bbox="1226 643 1957 695">12-22. As the City is aware, the RFCA parties, and not the Service, are not responsible for cleanup related decisions and documentation.</p> <p data-bbox="1226 717 1633 737">12-23. Thank you for your comment.</p> <p data-bbox="1226 763 1957 938">12-24. The establishment of the Cold War Museum is outside the jurisdiction of the Service and the scope of the CCP/EIS. However, the Service has expressed that it would prefer to co-locate some Refuge interpretation facilities center with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p> <p data-bbox="1226 961 1659 980">12-25. See response to comment 12-11.</p> <p data-bbox="1226 1006 1927 1058">12-26. Objective 2.13 – <i>Recreation Facilities</i> has been revised to specify the recommended location of horse trailer parking areas.</p> <p data-bbox="1226 1081 1932 1140">12-27. Safety requirements are addressed in Objective 3.1 – <i>Staff Safety</i>.</p> <p data-bbox="1226 1162 1659 1182">12-28. See response to comment 12-16.</p> <p data-bbox="1226 1208 1633 1227">12-29. Thank you for your comment.</p> <p data-bbox="1226 1253 1969 1403">12-30. As described in Section 3.8 of the FEIS, the Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p> |

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| | <p data-bbox="470 240 588 298">Laurie Shannon April 23, 2004 Page 7</p>  <p data-bbox="470 342 1054 444">wildlife and wildlife habitat management strategies with the Service along with networking with other open space agencies to enhance our community's natural resources. Per the plan, this dialogue will improve and expand the range of available habitat for many species and protect wildlife movement corridors between properties.</p> <p data-bbox="132 469 1054 526">12-33 Funding – The City will investigate the feasibility of acquiring additional funding for the FWS from entities, i.e. GOCO, to be used to accelerate trail construction and access to the site.</p> <p data-bbox="132 553 1054 626">12-34 <u>Objective 5.1 – Emergency</u> Support, but believe emergency response agreements must be in place when the FWS gains possession of the refuge not by one year later.</p> <p data-bbox="132 651 1054 829">12-35 <u>Objective 5.2 – Conservation</u> Easements for ditches and other existing utility easements need to be maintained and preserved. Work closely with the City to develop a Water Protection Plan to ensure the security of the following areas: groundwater wells, surface water monitoring stations, treatment units, drainage areas flowing into the retention ponds on Woman Creek and the Smart Ditch drainage. Boundaries of transportation corridor right-of-way should be 300 ft from the eastern edge of the site.</p> <p data-bbox="470 850 1054 909">Water Protection Plan - Water Protection Plan should include: methods to secure the areas to prevent spread of contamination; fencing, use of storm water, BMPs, other controls measures; and, identify access requirements.</p> <p data-bbox="132 932 1054 1192">12-36 <u>Objective 6.3 – Fencing</u> We believe a process should be in place to prevent access to the IA from the general public. We suggest using the current four-strand barbed wire fencing as well as signs posted around the IA to prevent access to the area. The signs could state "Environmental Restoration and Study Area, No Public Access Allowed." This wording will not convey that there is residual contamination in the area, but still provides a reasonable precaution. The IA will contain residual contamination in the soils and contaminated groundwater and we prefer access to the area only be given to FWS or to personnel performing stewardship activities. Activities allowed at the refuge will be based on controls for the IA and presence of the Service at the site. For defense in depth, we suggest that each individual monitoring station, landfill cap, treatment unit, etc., be fenced as well.</p> <p data-bbox="132 1214 1054 1273">12-37 The City expects that we will continue to be involved, informed, and allowed to participate and comment on the final CCP/EIS and step-down plans. Westminster anticipates our issues and comments will be addressed at a future</p> | <p data-bbox="1226 167 1661 191">12-31. See response to comment 12-21.</p> <p data-bbox="1226 212 1927 269">12-32. Thank you for your comment and participation. Working with others is one of the six planning goals of the Refuge.</p> <p data-bbox="1226 290 1969 380">12-33. The Service is encouraged by the efforts of the City and other neighboring jurisdictions to develop trail connections that complement Refuge trails.</p> <p data-bbox="1226 401 1940 514">12-34. While the Service will seek to coordinate with neighboring jurisdictions as early as possible, it will not be feasible to develop formal arrangements until adequate budgets and staffing have been established.</p> <p data-bbox="1226 535 1955 745">12-35. The Refuge Act specifically protects existing property rights on the Refuge, including water rights and related easements. In addition, see response to comment 12-16. The DOE is solely responsible for the maintenance and security of water quality protection facilities. However, the Service will work with the DOE and other stakeholders to ensure that Refuge activities do not affect the effectiveness of the remedy.</p> <p data-bbox="1226 766 1661 790">12-36. See response to comment 12-16.</p> <p data-bbox="1226 812 1961 901">12-37. The Service would solicit the input and participation of the City of Westminster, other jurisdictions, stakeholders, and the public during the development of the step-down management plans.</p> |

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| 12-38 | <p data-bbox="464 240 583 300">Laurie Shannon April 23, 2004 Page 8</p>  <p data-bbox="464 342 1052 446">scheduled meeting. We once again appreciate the opportunity to share our community's vision and goals of open space to enhance and compliment wildlife, habitat, and public use activities at the RFNWR. If you have any questions, please feel free to contact Ron Hellbusch (303) 430-2400 ext. 2177 or Al Nelson (303) 430-2400 ext. 2174 of my staff.</p> <p data-bbox="464 472 583 488">Sincerely yours,</p>  <p data-bbox="464 570 583 610">J. Brent McFall City Manager</p> <p data-bbox="464 634 1066 894">cc: City Council, City of Westminster Ron Hellbusch, Director Public Works and Utilities, City of Westminster Al Nelson, Rocky Flats Coordinator, City of Westminster Senator Wayne Allard Congressman Mark Udall Congressman Bob Beauprez Gary Brosz, City Councilor, City & County of Broomfield Lori Cox, City Councilor, City & County of Broomfield Shirley Garcia, Environmental Coordinator, City & County of Broomfield Mark Aguilar, Environmental Protection Agency Steve Gunderson, Colorado Department of Public Health and Environment Dean Rundle, Refuge Manager, Rocky Mountain Arsenal David Abelson, Rocky Flats Coalition of Local Governments</p> | 12-38. Thank you for your comments. |

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| <p>13-1</p> <p>13-2</p> <p>13-3</p> <p>13-4</p> <p>13-5</p> <p>13-6</p> |  <p>April 19, 2004</p> <p>Mr. Dean Rundle, Refuge Manager U.S. Fish and Wildlife Service Rocky Mountain Arsenal National Wildlife Refuge Building 111 Commerce City, CO 80022-1748</p> <p>Dear Mr. Rundle:</p> <p>Thank you for the opportunity to comment on the Rocky Flats National Wildlife Refuge (RFNWR) draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). We appreciate the efforts of the U.S. Fish and Wildlife Service (USFWS) to work with the communities surrounding the Rocky Flats site to reach common goals and objectives.</p> <p>On behalf of the Superior Town Board of Trustees, I am submitting this letter as formal comment on the draft CCP/EIS. We have previously submitted comments to USFWS in 2003, stating our preference for Alternative C – Ecological Restoration, with the following modifications:</p> <ul style="list-style-type: none"> • Allowance for a Rocky Flats Cold War Museum/Visitor Center to be located on the RFNWR site. • The addition of two visitor overlook sites, one that would overlook the old industrial site, and one that would overlook the north end of the site (Rock Creek Reserve). • Trail connections should be limited to serve museum/visitor center and overlooks. • Ensure that all public access is limited to daylight hours. • Preserve and maintain all of the Lindsay Ranch buildings. • Secure Federal ownership of mineral rights. <p>Our preference for this plan has not changed. However, in addition to restating our preference for Alternative C, with the above modifications, we would also like to provide the following comments for consideration by USFWS.</p> <p>Regardless of the adopted alternative, The Town of Superior:</p> <ul style="list-style-type: none"> • supports the creation of the Rocky Flats National Wildlife Refuge. • strongly recommends the use of security fencing and signage around the Dept. of Energy (DOE) retained lands to keep the public off these areas. • strongly discourages the authorization of any public hunting on the site. <p>124 E. Coal Creek Drive • Superior, CO 80027 • (303) 499-3675 Fax: (303) 499-3677 • www.townofsuperior.com</p> | <p>13-1. Thank you for your comments.</p> <p>13-2. Thank you for your comments.</p> <p>13-3. Thank you for your comment.</p> <p>13-4. Thank you for your comment.</p> <p>13-5. In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. The Service has provided these recommendations to the RFCA parties.</p> <p>13-6. The Service believes that a limited, highly managed hunting program would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations, if necessary. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i> was revised in the FEIS to better correlate the establishment and analysis of target population size and public hunting programs.</p> |

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| <p>13-7</p> <p>13-8</p> <p>13-9</p> <p>13-10</p> <p>13-11</p> <p>13-12</p> | <ul style="list-style-type: none"> • recommends the USFWS engage in proactive control of invasive weeds throughout the site. • supports the use of prescribed burns only as a control method of last resort, and strongly recommends that prescribed burns never be used on DOE retained lands. • recommends that public access to the site be limited to pedestrian access only. We feel that equine and bicycle uses would have detrimental impacts to the site's trails and wildlife habitats. • strongly recommends that public access to the site be limited to on-trail access only. We feel that safety and habitat concerns outweigh any need for public off-trail access. • recommends that the USFWS not rush to meet arbitrary implementation deadlines. The Town supports the allowance of ample time to ensure the site is safe for public access and that the potential ecological impacts of public access have been fully considered. <p>Again, on behalf on the Superior Town Board of Trustees, I thank you for this opportunity to comment on the draft CCP/EIS. We look forward to continued cooperative efforts to make the Rocky Flats National Wildlife Refuge an asset for all our communities.</p> <p>Sincerely,</p>  <p>Susan K. Spence Mayor</p> <p>Cc: Superior Town Board of Trustees Bruce Williams, Town Manager, Superior Devin Granbery, Management Analyst, Superior David Abelson, Exec. Dir., Rocky Flats Coalition of Local Governments</p> | <p>13-7. The Service believes that the proposed weed management objectives would take a proactive approach to reducing weed infestations over the life of the CCP.</p> <p>13-8. Prescribed fire would be one component of a comprehensive vegetation management strategy that may be used, in concert with other techniques, to restore native grasslands, reduce the risk for unplanned wildfire, and where appropriate, reduce weed infestations. The Service does not intend to use prescribed fire in the DOE retained lands and is not aware of any plans for the DOE to use prescribed fire.</p> <p>Both the EPA and CDPHE have indicated that the use of prescribed fire outside of the DOE retained area would not pose a significant risk to firefighters, Service personnel, or the general public (Appendix D). However, in the interest of caution and respect for the concerns of the public, the Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 10).</p> <p>13-9. In Alternative B and D, the Service would allow equestrian and bicycle access as modes of transportation that would facilitate access to priority public uses of the Refuge. A secondary benefit would be the ability to complement and improve regional trail connectivity. The size of the Refuge also would warrant other modes of access besides hiking. For example, in Alternative B the trail distance between the proposed trail connection near the Town of Superior and the visitor contact station would be 3.5 miles one way, which may be too far round-trip for some Refuge visitors.</p> <p>As noted in the Compatibility Determination, 72% of the multi-use trails would be constructed using existing roads that would be converted to trails. Such access would have very few additional habitat impacts. While weed dispersal, social trails, wildlife disturbance and other impacts to natural resources would be a concern, the Service does not believe that these impacts would be substantially reduced by excluding bicycles and equestrians from the Refuge.</p> |
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13-10. Seasonal off-trail hiking access would be allowed in the southern portion of the Refuge in Alternative B as a practical means of allowing amateur naturalists, wildlife photographers or others better access to their subjects. It is anticipated that off-trail use in this area would be limited in numbers and highly dispersed and would not adversely affect vegetation communities or wildlife. With regard to safety concerns, the Service believes that those visitors who participate in off-trail access on the Refuge would be responsible for their own physical safety, as would be the case on other public lands open to the public. In regard to specific concerns about residual contamination, the EPA and CDPHE have verified that any proposed public uses, including off-trail use, would be safe. In addition, the proposed off-trail use areas (Figure 25) are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).

13-11. The Refuge will not be established until the EPA certifies that the land has been cleaned up to be safe for the proposed Refuge uses. Once the Refuge is established, the Service proposes to initially focus on habitat restoration in the first 5 years before expanding public use opportunities. The 5-year target date is not a firm deadline, and is contingent on successful habitat restoration and sufficient funding to construct and manage visitor use facilities. As conditions change and the Refuge condition evolves, the Service would be adaptable to those changes.

13-12. Thank you for your comments.

| Comment # | Letter #14 | Response |
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| <p>14-1</p> <p>14-2</p> <p>14-3</p> |  <p style="text-align: right;">Post Office Box 471 • Boulder, Colorado 80306</p> <p style="text-align: center;">Board of County Commissioners 13th & Pearl Streets • Boulder County Courthouse • Boulder, Colorado 80302 • (303) 441-3500</p> <p style="text-align: center;">RECEIVED APR 25 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>4/22/04</p> <p>Formal Comments from Boulder County Commissioners to Department of Fish & Wildlife on the Rocky Flats Refuge Proposals CCP/EIS</p> <p>As a member of the Rocky Flats Coalition of Local Governments, Boulder County has provided regular and consistent input and discussion on the clean-up of Rocky Flats, and to its use as a wildlife refuge consistent with the provisions of the Rocky Flats National Wildlife Refuge Act of 2001.</p> <p>Boulder County supported the passage of the Refuge Act and supports the transfer of use of this land from a former weapons site to a wildlife refuge. We feel this is the highest and best use of these lands, given their former history of use and contamination. However, we believe that there should be no rush to open this land to the public, and that methodical oversight and planning procedures need to be in place prior to opening. The county's comments are submitted in the spirit of obtaining the best and safest cleanup, and the best refuge management practices.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Boulder County's position: We support Fish & Wildlife Proposed Alternative A as our first priority, with Alternative C as our second priority.</p> <p>Both of these alternatives would permit far reduced access than either Alternative B, which Fish & Wildlife is recommending, or Alternative D, which provides the greatest public access.</p> </div> <p style="display: flex; justify-content: space-between; font-size: small;"> Paul Danish County Commissioner Ronald K. Stewart County Commissioner Tom Mayer County Commissioner </p> | <p>14-1. Thank you for your comments.</p> <p>14-2. Thank you for your comment.</p> <p>Although the Refuge will not be established until the cleanup is completed, and the EPA and CDPHE have verified that all refuge activities would be safe for the refuge worker and visitor, the Service believes that the proposed plan for Refuge management and public access is appropriately conservative and responsive to concerns. Most of the refuge would be restricted to public access for the first 5 years to allow time for restoration efforts to be initiated.</p> <p>14-3. Thank you for your comment.</p> |

| Comment # | Letter #14 continued | Response |
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| 14-4 | <p>-2-</p> <p>1. Restricting public access to lands retained by DOE</p> <p>Boulder County believes that public access should not be permitted in the section of the refuge held by the Department of Energy as defined on Fish and Wildlife maps as of this date. This includes the Industrial Area, areas to the east that contain monitoring stations and solar ponds, and the Old Landfill. The public should not be allowed access to such facilities in the DOE zone as the monitoring stations, retention ponds, or landfill caps, for reasons of their safety as much as for reasons of ensuring that paths, erosion, and other impacts do not damage the integrity of the remediation, and protection from intentional acts of vandalism. We are sure that both the DOE and F&W agree with this. Yet, neither the DOE nor the F&W in this current plan have outlined how they intend to keep the public from hiking, biking, horseback riding, fishing, swimming, or exploring around these areas.</p> | <p>14-4. Section 1.8 of the FEIS was revised to indicate that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. The DOE will be responsible for the management and security of cleanup related facilities.</p> <p>The CCP/EIS does specifically define the area of the future refuge where public uses would be authorized. This has the same result as specifically designating “off-limits” areas because no use of a National Wildlife Refuge is allowed unless it is specifically authorized. Access to DOE lands is clearly outside the scope of the CCP/EIS. However, the Service has recommended to the RFCA parties that the DOE retained lands be posted with signs that prohibit public entry.</p> |
| 14-5 | <p>Representatives from the Department of Energy, at its Rocky Flats Cleanup Availability Session on April 14, said that they had not yet determined what specific “institutional controls” were necessary to keep people out of certain areas, nor had they even identified the specific areas that warrant public access controls. This is particularly disturbing, since local governments and citizens affected by the clean up and by refuge use decisions are being asked to submit their formal public comments on the CCP/EIS governing Fish & Wildlife use of the refuge by April 26. Since the DOE-held areas in question are within the perimeter of the current Rocky Flats property, we think that this fundamental question of <i>which</i> specific areas will be off-limits to the public, and <i>how</i> public access controls will be institutionalized, must be resolved before the surrounding buffer area is opened to the public. Vague references to “institutional controls” should not substitute for adequate, robust fencing.</p> | <p>14-5. See response to comment 14-4.</p> |

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| 14-6 | <p data-bbox="415 280 443 302">-3-</p> <p data-bbox="415 347 1052 638">Until the Department of Energy has specified in detail exactly which portion of Rocky Flats it intends to keep under its jurisdiction and protection, we do not believe that any lands should be transferred to Fish and Wildlife. The decision of specifically which lands are to be included in the DOE-retained area, and any institutional controls that will be implemented to prevent public access, must be made <u>before</u> Fish and Wildlife decides how the remaining surrounding area is to be used. Decommissioning of Rocky Flats and its transfer to refuge status should not occur unless a substantial and sufficient barrier around DOE-retained lands is in place.</p> | <p data-bbox="1228 342 1969 610">14-6. A Refuge Comprehensive Conservation Plan is a document that describes the desired future conditions of the Refuge and provides long-range guidance and management direction to achieve the purposes of the Refuge. The Refuge Act specifically required the Service to develop a CCP by December 31, 2004 in consultation with the RFCA parties, the RFCLOG, and others. The Act specifically requires the Service to address and make recommendations on a number of issues including the feasibility and location of a visitor center.</p> <p data-bbox="1228 634 1969 932">The CCP will not be implemented until after the site has been certified by the EPA and transferred to the Service. The Service has been in continued contact with the DOE during the CCP planning process and has been apprised of the approximate boundaries of the lands that will be retained. Obviously, the Service can only accept transfer of lands that DOE is not required to retain, and offers up for transfer. The Refuge Act requires DOE to retain all property needed to ensure the long-term protectiveness of the remedy. The Service will not ask DOE for any lands that the DOE does not offer for transfer.</p> <p data-bbox="1228 956 1969 1159">While the exact boundaries are likely to change prior to Refuge establishment, the Service is confident that the general nature of the lands and resources that would be included in the Refuge will not change. For these reasons, the Service is confident that it is both reasonable and effective to complete the CCP process at this time. See response to comment 14-4 regarding the demarcation of the DOE retained area.</p> <p data-bbox="1228 1183 1969 1268">14-7. As stated in responses to comments 14-4 and 14-6, any public access would not occur prior to certification and transfer of lands to the Service.</p> |
| 14-7 | <div data-bbox="359 781 1085 1078" style="border: 1px solid black; padding: 10px;"> <p data-bbox="428 824 1052 1011">Before the public is allowed on the Refuge, the Department of Energy must first define exactly which area it will retain. Before public access, Fish & Wildlife and the Department of Energy both have the responsibility to clarify specifically how they will keep the DOE-retained lands strictly “off-limits” to the public. Among other approaches, Boulder County believes that DOE-retained areas must be contained by robust fencing.</p> </div> | |

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| 14-8 | <p style="text-align: center;">-4-</p> <p>2. Funding for the Fish and Wildlife Department must be adequate to achieve and maintain any potentially hazardous situations that may be discovered at Rocky Flats in the future.</p> <p>While the Fish & Wildlife Draft CCP/EIS reiterates its commitment to goals of safety (pages 3 and 4), we fear that Fish and Wildlife has not been given sufficient resources to guarantee this end. Commissioner Paul Danish recommended in March to Chris Kearney, Deputy Assistant Secretary for Policy, Department of the Interior, that cold war sites and prior nuclear weapons sites that are being converted to wildlife refuges be treated and staffed in a fundamentally different manner from other wildlife refuges that do not have the same kind of contamination history that Rocky Flats and other similar sites have.</p> <p>It is unreasonable to expect the Department of Interior and Fish and Wildlife to manage these highly problematic properties through reliance on a reallocation of their already-scarce resources. The Department of Interior should ask Congress for additional funds as this serious oversight mandate should not be allowed to go unfunded. We re prepared to pursue this matter with our congressional delegation.</p> | <p>14-8. Thank you for your comment.</p> <p>14-9. Thank you for your comment.</p> |
| 14-9 | <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p>The funding for the Department of Interior and Fish and Wildlife should be increased accordingly to reflect its increased levels of responsibility for the Rocky Flats Wildlife Refuge.</p> </div> | |

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| 14-10 | <p style="text-align: center;">-5-</p> <p>3. Potential for identification and management of future “surprises”</p> <p>Despite continued efforts by Kaiser-Hill to clean up contamination, we have seen far too many examples over the past few years of “surprise” findings of hot radionuclide spots. There has been a history of contamination being discovered in unexpected places. Thus, we do not have the confidence we need to support an alternative such as Alternative B, which would permit extensive public use on the buffer portion of the refuge in the near future.</p> <p>While there have been no indications to date that there are any “hot spots” in the refuge buffer area, nor do we have the confidence that there has been adequate characterization of the buffer areas where public access is proposed, which would be needed to ensure that the refuge is a safe place for humans and horses.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>The Coalition is working through the RFCA process to make sure that the characterization of the buffer zone represents what’s really out there. We need the adequate time to work through this process, without rushing to permit access prematurely.</p> <p>We also believe procedures must be spelled out that clearly deal with future discoveries of hazardous materials.</p> </div> | <p>14-10. The Refuge will not be established until the EPA certifies that cleanup is complete, and that all of the lands that will become the Refuge would be safe for all of the proposed Refuge management activities, including public use. The Service has confidence that the characterization of the land that will become the Refuge is sufficient. The Service believes that it is very unlikely that significant contamination will be discovered on lands transferred to become the Refuge, but acknowledges that the discovery of previously unknown releases is possible. The Service does not intend to accept the transfer of administrative jurisdiction for any land at Rocky Flats until the Memorandum of Understanding between DOE and DOI, required by the Refuge Act, is finalized. It is the Service’s intent to ensure that the final MOU will contain specific provisions for responses to discovery of previously unknown contaminant releases. The FEIS was revised to include additional discussion of cleanup-related issues in Section 1.8.</p> |

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| 14-11 | <p data-bbox="352 302 380 323">-6-</p> <p data-bbox="352 383 569 404">4. Ecological impacts</p> <p data-bbox="411 427 1045 581">Our wildlife biologist staff in our Parks and Open Space Department, which monitors habitat immediately north of the Rocky Flats Refuge, states that the trail alignments in the Fish & Wildlife proposed Alternative B are all in sensitive riparian habitat in Rock Creek and Woman Creek, which would be counterproductive to the high wildlife value that these areas currently support.</p> | <p data-bbox="1230 342 1976 672">14-11. As noted in detail in response to comments made by Boulder County Parks and Open Space (letter #15), the Service disagrees with the assertion that the proposed trail alignments “are all in sensitive riparian habitat.” During the planning process, the Service took special care to plan trail configurations that would avoid and minimize impacts to riparian habitat. Of the 16.5 miles of trails that are planned for Alternative B, 0.4 miles, or 2% of trail would be within riparian habitat areas. The 0.4 miles of trail that are within riparian habitat areas are trail crossings, most of which are on existing roads. Adequate bridging and habitat restoration will be used to minimize trail impacts at these crossings.</p> |
| 14-12 | <p data-bbox="411 626 1035 813">Alternative B, proposed by Fish & Wildlife, would only allow five years of time to implement restoration and conservation efforts before public access would be allowed beyond access to Lindsay Ranch. The two alternatives Boulder County supports would each allow 15 years to keep the public out of the area while further analysis of the contamination level of the refuge is determined, which secondarily benefits most wildlife on the refuge.</p> | <p data-bbox="1230 691 1976 992">14-12. The Service acknowledges that weed management and ecological restoration would be a major issue on the Refuge, and for this reason the Service has elected to focus the first 5 years of Refuge management on habitat restoration. After 5 years, the Service believes that the modest amount of public use proposed in Alternative B would be compatible with on-going restoration efforts and would be protective of wildlife habitat needs. The Refuge would not be established until the EPA has certified that the characterization and analysis of the site is sufficient, and that subsequent cleanup activities have been completed.</p> |
| 14-13 | <div data-bbox="352 857 1136 1052" style="border: 1px solid black; padding: 10px;"> <p data-bbox="422 899 1094 987">In order to best protect wildlife on the refuge, which is the highest priority use as defined in the authorizing legislation, public access should not be permitted in ecologically sensitive areas.</p> </div> | <p data-bbox="1230 1016 1976 1187">14-13. As discussed in response to comment 14-11, the proposed public use facilities in Alternative B would avoid ecologically sensitive areas to the greatest extent possible. Trails within or in close proximity to sensitive areas such as the Rock Creek drainage would be managed to minimize potential impacts to sensitive wildlife species.</p> |

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| 14-14 | <p data-bbox="415 300 443 321">-7-</p> <div data-bbox="342 479 1127 878" style="border: 1px solid black; padding: 10px;"> <p data-bbox="415 521 1020 623">Conclusion: While we support the conversion of this land to a wildlife refuge, we see no need to rush to this status by permitting premature access by the public.</p> <p data-bbox="415 677 1020 816">We must take the time to make sure the lands where the public would be allowed are clean and safe, and that DOE and Fish & Wildlife have given us a plan to make sure people will not be able to access contaminated areas.</p> </div> | <p data-bbox="1230 342 1640 370">14-14. Thank you for your comments.</p> |

| Comment # | Letter #15 | Response |
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| 15-1 | <p style="text-align: center;">RECEIVED APR 26 2004</p> <p style="text-align: center;">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 26, 2004</p> <p style="text-align: center;"><u>Comments on the draft Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement</u> February 2004 Draft</p> <p>The following general comments regard the four alternative management actions that have been proposed in this draft CCP/EIS. My comments are based on the perspective of a wildlife biologist who is responsible for wildlife management and ecological function of the adjacent Boulder County Parks and Open Space Department public lands:</p> | <p>15-1. Thank you for your comments.</p> <p>15-2. The Service agrees that Alternative A, No Action, would provide insufficient habitat management that could result in increased degradation of wildlife habitat due to the continued proliferation of noxious weeds. With regard to ongoing site characterization, the Refuge would not be established until the EPA has certified that the characterization and analysis of the site is sufficient, and that subsequent cleanup activities have been completed.</p> <p>15-3. Alternative B does not allocate “only 5 years” to implement restoration and conservation efforts. Those efforts will continue throughout the life of the plan, just as in Alternative C. Alternative B simply provides the first 5 years to concentrate on those restoration and conservation efforts before the majority of public uses are implemented.</p> <p>The Service disagrees with the assertion that the proposed trail alignments in Alternative B “are all in sensitive riparian habitat in Rock Creek and Woman Creek.” In the Rock Creek drainage, 0.3 miles, or 9% of the proposed 3.4 miles of trail would be within riparian areas. All of the trails that would cross through riparian areas would be on existing roads, and would be closed seasonally to protect sensitive wildlife species. The east-west multi-use trail near the Rock Creek drainage would be on the pediment top about 50 vertical feet above the drainage, and would be generally about 175 feet from the slope wetlands and between 300 and 600 feet from the stream bottom.</p> <p>In the Woman Creek drainage, 0.1 miles, or 2% of the proposed 4.6 miles of trail would be within riparian areas. Most of the proposed multi-use trail would be on an existing roads that are no less than about 150 feet from riparian habitat, with the exception of several small stream crossings that would use existing road crossings.</p> |
| 15-2 | <p>1- Acceptance of Alternative A would allow for a longer period of time (15 years) to keep the public out of the area while further analysis of the contamination level of the refuge was determined. This would secondarily benefit most wildlife on the refuge by eliminating any negative impact resulting from increased recreational activities. This alternative does not allow a sufficient level of active management to occur, however, which is necessary for recovery and maintenance of much of the habitat on the refuge. Thus, this alternative would be my second choice.</p> | |
| 15-3 | <p>2- Acceptance of Alternative B, the Preferred Action, would only allocate 5 years to implement restoration and conservation efforts before allowing public access. This shortened timeframe would result in less wildlife conservation management progress as other alternatives that limit public access to the property. When public access begins, resources would then undoubtedly be re-appropriated to provide for public service and would reduce funding for subsequent restoration and management efforts. Also, the trail alignments in Alt. B are all in sensitive riparian habitat in Rock Creek and Woman Creek. This would be counterproductive to the high wildlife value that these areas currently support.</p> | |
| 15-4 | <p>3- Alternative C also gives managers 15 years to address restoration issues while providing greater financial resources and staff to implement these activities. This alternative would be my preference, if it allowed hunting as a management tool or provided enough staff resources or CDOW involvement to cull ungulate herds as necessary to maintain ecological integrity. This alternative also minimizes the potential impact from the public by keeping the refuge essentially closed. A downside to this proposal, as written, would be the loss of the Lindsay Ranch homestead.</p> | |
| 15-5 | <p>4- Alternative D would not be preferred with respect to wildlife habitat and population restoration and subsequent conservation efforts. This alternative focuses primarily on public recreational use and would encourage more visitation, even though it would receive more funding for restoration and staffing. As mentioned earlier, increased public visitation would have some level of negative impacts to wildlife on the refuge.</p> | |

| Comment # | Letter #15 continued | Response |
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| | <p>I have the following technical comments as well for some of the stated objectives and goals pertaining to wildlife management and/or habitat:</p> | |
| 15-6 | <ul style="list-style-type: none"> Soil types should be considered regarding the decision to accept prairie dogs from outside the refuge in the future. If FWS has to create artificial burrows to accommodate these prairie dogs, they would prove difficult to construct in the cobbly soils that encompass much of the area. Our experience on Boulder County open space north of the proposed refuge has shown this to be the case in very similar habitat. I would recommend wording to indicate that limitation, regardless of which alternative is accepted. | <p>During the planning process, the Service took special care to plan trail configurations that would avoid and minimize impacts to riparian habitat. Overall, of the 16.5 miles of trails that are planned for Alternative B, 0.4 miles, or 2% of trail would be within riparian habitat areas. The 0.4 miles of trail that are within riparian habitat areas are trail crossings, most of which are on existing roads. Adequate bridging and habitat restoration will be used to minimize trail impacts at these crossings.</p> |
| 15-7 | <ul style="list-style-type: none"> The target acreages of prairie dogs in any of these options, from 500 to 1,000 acres, out of a total of 2,460 potentially available acres, could be problematic towards weed control and mixed/tall grass conservation. I suggest that FWS scale back the prairie dog acreage goals and incorporate existing protected prairie dog conservation acreage, on surrounding Boulder County, Jefferson County and City of Boulder public lands, in analyzing the best capacity for prairie dogs based on a landscape analysis, inclusive of these other surrounding protected lands. It would also be beneficial to have cooperative agreements in place with these surrounding jurisdictions to monitor and report sylvatic plague in the region. | <p>15-4. Alternative C would not include public hunting on the grounds that the Refuge would be closed to all public access, with the exception of guided tours. There would be sufficient resources to control wild ungulates, if necessary, through selective culling.</p> <p>15-5. While Alternative D would have greater effects on wildlife and habitat than Alternative B, the Service believes that the effects would be compatible with the habitat management goals of the Refuge. Additional analysis (Table 14) has shown that the length of trail per acre in Alternative D would be lower than other nearby open space facilities.</p> |
| 15-8 | <ul style="list-style-type: none"> All current prairie dog colonies appear to be on the edges of the refuge. This will result in conflicts with neighboring landowners and municipalities undoubtedly as these colonies expand to the levels described in each alternative. The plan should outline strategies for buffer zones, containment and other management activities to address this situation. I would strongly recommend some type of IGA with the public land managers of Broomfield, Jefferson and Boulder Counties and the cities of Arvada and Boulder regarding prairie dog habitat and management on these border areas on the north, south and east perimeters of the refuge. | <p>15-6. Section 3.6 of the DEIS and the FEIS, as well as Figure 19, includes an analysis of potential prairie dog habitat on the Refuge. This analysis was based on a habitat model that included soils.</p> |
| 15-9 | <ul style="list-style-type: none"> Prairie dog management as proposed in Alt. A could possibly be detrimental to future sharp-tailed grouse reintroductions, if they impacted the tall grass community that this species would utilize for cover. I would either reject this alternative for that reason, or modify it to include active management of prairie dog colonies where necessary, as given in Alt. C. | <p>15-7. The Service acknowledges that sustainable prairie dog management needs to be balanced against other management concerns. Currently, there are 10 acres of prairie dog colonies at Rocky Flats, most of which are adjacent to Highway 128 and nearby County open space lands. The Service has carefully examined available habitat and historical prairie dog areas at Rocky Flats, and believes that the suggested limits for prairie dog expansion are appropriate guidelines to allow for sustainable prairie dog expansion. One of the purposes of these guidelines is to limit prairie dog expansion into xeric tallgrass communities.</p> |
| 15-10 | <ul style="list-style-type: none"> The issue of impact to Preble's mouse populations from trail development was brought up in public hearings as well. Dr. Carron Meaney and associates recently completed a study for the City of Boulder OSMP on this topic of Preble's population response to recreational trails. I would recommend this information be incorporated into the decision of trail building along the riparian corridors. It was published in The Prairie Naturalist 34(3/4): September/December 2002. | |
| 15-11 | <ul style="list-style-type: none"> The issue of fencing around the DOE-retained core area has been brought up. If fencing is installed, I would encourage that a minimal design is used, just enough to enhance public understanding that it is a closed area, but not enough to inhibit | |

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| 15-12 | <p>most wildlife movement through the core area (prairie dogs could be the exception to this).</p> <ul style="list-style-type: none"> Each alternative has proposed that grazing be allowed. Most of the focus is on high intensity-short duration grazing. This type of grazing would necessitate some level of prairie dog and/or noxious weed management to follow up this regime. We would suggest that either: having sufficient staff to monitor and control prairie dog/noxious weed growth on these grazed areas (opposite of what is proposed in Alt. A); or have outside researchers involved in monitoring this type of grazing regime and experimenting with alternate grazing regimes to HISD grazing, as proposed. These research contracts should be integral with this CCP. | <p>The Service appreciates the County’s suggestion regarding weed control issues, and has revised Objective 1.7 – <i>Prairie Dog Management</i> to better correlate prairie dog expansion and weed management efforts. Objective 5.2 – <i>Conservation</i>, outlines that the Service will work with adjacent jurisdictions to address cross-boundary resource management issues. Specific agreements would be arranged in the future on an as-needed basis.</p> |
| 15-13 | <ul style="list-style-type: none"> If any alternative besides Alt. A is chosen, then some level of on-the-ground human activity will be introduced to a location that has not experienced this type of human presence for at least 50 years. If one of these alternatives is implemented, we would suggest implementing some type of research on the impacts of human presence to the local wildlife populations, prior to the refuge being opened to the public. This would be an excellent opportunity to gather baseline data on populations, behavior, etc. and compare it to post-recreational impact results to these wildlife populations. | <p>15-8. Objective 5.2 – <i>Conservation</i>, outlines that the Service will work with adjacent jurisdictions to address cross-boundary resource management issues. As most of the prairie dogs at Rocky Flats appear to be associated with populations across Highway 128 on County open space lands, this is a good example of an opportunity for the Service to work with the County on prairie dog management. Specific agreements would be arranged in the future on an as-needed basis.</p> |
| 15-14 | <p>Thank you for the opportunity to comment on this CCP/EIS draft document.</p> <p>Mark Brennan Wildlife Specialist Boulder County Parks and Open Space Department</p> | <p>15-9. The Service agrees that unmanaged prairie dog expansion in Alternative A has the potential to adversely impact several sensitive resources, including sharp-tailed grouse habitat. However, this situation reflects realities of the “no action” scenario.</p> <p>15-10. Dr. Meaney’s article was considered in the analysis of potential trail impacts to Preble’s that is found in Section 4.6. In addition, see response to comment 15-3. All of the trails that are planned in Preble’s habitat would be located on existing roads, and that most of these areas would be subject to seasonal closures.</p> <p>15-11. Thank you for your comment. While the exact nature of the fencing around the DOE retained area is the responsibility of the RFCA parties, the Service has recommended a four-strand barbed-wire fence and/or obelisks that allow for the movement of wildlife across the site.</p> <p>15-12. Managed grazing would be permitted in Alternatives B and C. As any grazing regime would be highly managed, Refuge staff would monitor its results and any adverse effects. Specific plans grazing regimes management and monitoring would be identified in a step-down Vegetation and Wildlife Management Plan.</p> |

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| | | <p>15-13. While the Service agrees that the proposed alternatives would change the nature and frequency of human uses in the buffer zone, these changes are not anticipated to adversely affect wildlife under any alternative. The Service believes that the phased implementation plan would allow for wildlife and Refuge managers to adjust to new human uses on the Refuge. Objective 5.3 – <i>Research</i>, would encourage scientific research related to the impacts of public use on wildlife populations. However, the Service does not believe that it is necessary to suspend public use until such research is completed.</p> <p>15-14. Thank you for your comments.</p> |

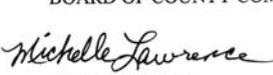
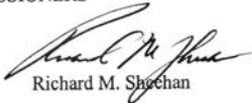
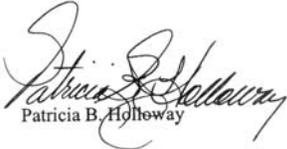
| Comment # | Letter #16 | Response |
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| 16-1 |  <p data-bbox="632 264 751 285">April 26, 2004</p> <p data-bbox="858 219 1087 237">Board of County Commissioners</p> <p data-bbox="947 254 1087 355">Michelle Lawrence District No. 1 Patricia B. Holloway District No. 2 Richard M. Sheehan District No. 3</p> <p data-bbox="793 342 989 508">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="312 420 678 553">Rocky Flats NWR Comprehensive Conservation Plan Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR - Building 121 Commerce City, CO 80022-1748</p> <p data-bbox="312 574 974 618">Re: Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge, February, 2004</p> <p data-bbox="312 643 415 660">Dear Laurie:</p> <p data-bbox="312 686 1068 773">Thank you for providing Jefferson County with the opportunity to comment on the "Draft Comprehensive Conservation Plan & Environmental Impact Statement" for Rocky Flats National Wildlife Refuge. We continue to appreciate both yours and Dean Rundle's time and commitment to exploring the best outcome for this area.</p> <p data-bbox="312 797 1068 995">As you are aware, the predominant land area of Rocky Flats is within unincorporated Jefferson County. We therefore have deep appreciation for the assets that the Wildlife Refuge can provide the regional community and at the same time integrate with the surrounding open space programs particularly Jefferson County's Open Space Program. Jefferson County helped pioneer the open space movement in Colorado by establishing a very successful program over three decades ago. We will continue to pledge to make our experience and expertise available throughout the process. We are also one of the founding members of the Rocky Flats Coalition of Local Governments. With that being said we truly have a vested interest in the outcome of the management of the refuge and its integration with our County plans.</p> <p data-bbox="312 1019 1068 1149">In addition, we encourage the continual communication between the Department of Energy (DOE) and the United States Fish and Wildlife Service (Service) to the extent possible, minimize the DOE's footprint within the Industrial area. We will continue to have as our highest priorities the public health safety and welfare of our citizens and visitors to Jefferson County. In so doing, we want to see maximum clean up efforts and minimization of the residual contamination. Thus returning this once weapons factor for the Cold War era to land for creating a wildlife refuge.</p> <p data-bbox="312 1174 1068 1282">We reviewed the document and continue to support the preferred alternative "Alternative B: Wildlife, Habitat & Public Use (Proposed Action)" with modifications. This alternative with modifications encompasses the appropriate balance between compatibility with Jefferson County's planning efforts, the recognition of historic use as a Weapon's production plant, the cleanup efforts by the Department of Energy, public use/safety and the ecological/wildlife</p> <p data-bbox="531 1331 854 1377">100 Jefferson County Parkway, Golden, Colorado 80419 (303) 279-6511 http://jeffco.us</p>  | <p data-bbox="1228 305 1961 362">16-1. Thank you for your comments. The configuration of the DOE retained area will be decided by the RFCA Parties.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Two</p> <p>components the site has to offer. The site in itself is so large that people forget to look at the site as a set of subsystems that don't necessarily need to have one solution for the entire site. By example, the Town of Superior is only ¼ the size of the current Department of Energy owned land.</p> <p>In addition to our previous comments documented in the June 20, 2003, letter from the Jefferson County Board of Commissioners to Dean Rundle, we are re-emphasizing some of the issues below:</p> <p>Recommended modifications:</p> <p>Wildlife and Habitat Management:</p> <p>16-2 □ Reaffirmation of Weed Management: Jefferson County employs various options and methods to address weed management issues throughout the County. Given the challenges of many invasive species, Jefferson County feels the Service should keep all its options open to address weed problems and be aggressive in combating the problem. It is also a key to ecological restoration. Prescribed controlled burns, grazing, mowing and spraying programs may be necessary to limit weed infestation on-site as well as the spread of weeds off-site. Close monitoring and coordination with all surrounding jurisdictions is a key to controlling and capturing the synergy of joint efforts.</p> <p>We concur with Alternative B recommendations.</p> <p>Public Use, Education & Interpretation:</p> <p>16-3 □ Lindsay Ranch - We are appreciative of Senator Allard's and Congressman Udall's intent in the Rocky Flats Wildlife Refuge legislation, as requested by Jefferson County, to preserve and where possible rehabilitate the Lindsay Ranch structures. This irreplaceable remnant of our pioneer heritage needs stabilization and reliable funding to continue as a reminder of bygone era. We are unaware of any property in Jefferson County that can provide a more fitting example of early twentieth century ranching than the Lindsay Ranch and once again encourage the total preservation of the Ranch. Recently the Service and Jefferson County staff had discussions and it is our understanding of the Service's interpretation of the bill language is that you still could remove any and all ranch structures. At this time we are adamantly opposed to the demolishing of any structures and request that a detail structural report be completed outlining the costs of rehabilitation, maintenance and interpretation all structures associated with the Lindsay Ranch. Our goal is to see that all structures remain, to provide the contextual relationship of the ranch and be open to the public. Any structures removed diminish the sense the public could gain of this bygone</p> | <p>16-2. The Service agrees that if weed management efforts are to be successful, a broad range of management tools needs to be available. The Service would work with Jefferson County and other jurisdictions in the development of step-down management plans, including an Integrated Pest Management Plan.</p> <p>16-3. During the winter of 2003/2004, the Service, in partnership with DOE, the Cold War Museum, and the Jefferson County Historical Society, stabilized the Lindsay barn, which was severely damaged during the March 2003 blizzard. The east and west wings were essentially rebuilt. After evaluation of the farmhouse, the Service has concluded that it is in a dilapidated condition and may be weathered beyond repair. The Service has retained the option of demolishing the farmhouse if it poses a significant safety hazard to Refuge visitors. Chapter 3 of the Final CCP/EIS includes additional information on the history and present condition of the Lindsay Ranch.</p> <p>As stated in the rationale for Alternatives A, B, and D under Objective 6.4, the Service would be willing to work with partners and consider stabilizing the house if resources could be found through partnerships or grants to undertake such a project. The Service agrees that the house can be interpreted whether it remains standing or not through a variety of media such as interpretive panels. The EIS has been revised to reflect this. The Service is concerned about the house becoming an attractive nuisance if it is fenced off, and the type of security fencing that would be required to keep visitors away could detract from the visual qualities of the area.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Three</p> <p>era. Therefore, if the house, determined through this structural study (performed by a person experienced with expertise on such issues), proves to be impractical for restoration then it should be allowed to remain until it deteriorates with appropriate safeguards for viewing the exterior.</p> <p>Alternative B still does not preserve all the buildings. We encourage the USFWS to pursue keeping all structures.</p> <p>16-4 □ Trail Loops: The County appreciates the efforts the Service has engaged in working with the surrounding communities on trailheads and access within the site. Traditionally, the citizens of Jefferson County and those using the Jefferson County Open Space system have visited and appreciated the various ecosystems of the County through carefully planned trail systems. We strongly encourage the addition of carefully planned trail loops, the Rocky Flats Wildlife Refuge can serve its mission through a series of trails that are sensitive to habitat and wildlife needs, and inform neighbors and visitors of this resource. The trail loops provide an inviting experience to the public and minimizes the overuse of any one trail. Our experience shows that dead-end trails increases deterioration of the trail and reduces the enjoyment of trail users. Given the size of the refuge and the existing roads, we believe a balance can be found to meet everyone's needs.</p> <p>16-5 In addition the Draft Comprehensive Conservation Plan & Environmental Impact Statement Alternative B indicates that the only trail to open at the onset of USFWS management is the trail to the Lindsay Ranch. Other trails would not open until 5 years into the 15-year plan. We recommend that if trails, particularly those on the southern portion of the site, can be open sooner, the USFWS should not bind themselves with this document to the 5 years. We believe to put such a limitation of 5 years in the document is too premature. Trail opening could be tied to reduction of the roadway footprint to a trail and to other regional trail connections.</p> <p>16-6 □ Addition of the analysis of potential Colorado Front Range Trail inclusion on the Refuge – The vision for the Governor's Colorado Front Range Trail calls for a 725-mile network of trails connecting Fort Collins in the north to Trinidad in southern Colorado. While the issue has been discussed through this planning process, little or no analysis has been provided to look at the reasonableness/viability of such a corridor through the Refuge. We request that this analysis be part of the management planning process to provide factual data on the opportunities and impacts of such a corridor.</p> <p>No analysis was provided in the DRAFT.</p> | <p>16-4. Several jurisdictions have suggested additional trail loops in the southern part of the Refuge. Revisions to the Alternative B trails include a trail connection to the southwest, a more direct connection to the east, and a new southern east-west trail alignment that provides a more diverse and higher quality trail experience. These trail revisions do not significantly change the total length of trails in Alternative B. The Service believes that the significant additions to the trail system would no longer strike the balance between public use and habitat management that Alternative B seeks to achieve, would add to the overall trail length without contributing to the quality of the experience, and would add to the cost of trail maintenance.</p> <p>16-5. Due to the level of disturbance to the site, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service has elected to maintain the public use implementation plan that was proposed in the Draft CCP/EIS. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape. However, Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow greater flexibility in opening additional trails in the first five years if conditions and funding allow.</p> <p>16-6. In the DEIS and FEIS, the Front Range Trail was considered to be a Reasonably Foreseeable Activity that was planned to occur outside of the Refuge. None of the alternatives considered incorporating the Front Range Trail onto the Refuge, and thus the effects were not analyzed.</p> <p>In developing the alternatives, the Service examined if the Front Range Trail could be accommodated on a portion of the site, and found that there are currently no reasonable alternatives for locating the trail on the Refuge. The Service does not have a lead role in planning the Front Range Trail, but will work with state agencies and local government proponents if any future trail alternatives are developed that include the Refuge.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Four</p> <p>16-7</p> <ul style="list-style-type: none"> □ Equestrian access: Jefferson County with its rich history of pioneer settlement, cattle and horse ranching and equestrian activities continues to this day with its equestrian tradition. Our Open Space areas share hundreds of miles of equestrian trails, the most prolific trail system in Colorado. In addition, access and connections to city and recreation district trails serve both Jefferson County and Boulder County equestrian populations. The Rocky Flats Wildlife Refuge should provide the necessary link between trails. If any issue was strongly expressed by the Jefferson County Open Space Advisory Committee, it was for the inclusion of equestrian trail uses within the refuge. <p>We are pleased that Alternative B is inclusive of equestrian use at least in the south side of the site.</p> <p><u>Safety:</u> No comments</p> <p>16-8</p> <p><u>Open & Effective Communication:</u></p> <ul style="list-style-type: none"> □ We strongly encourage the continuation of the open communication throughout the planning process and continue the coordination/partnership with the surrounding communities once the site officially becomes the Refuge. <p>16-9</p> <p><u>Working with Others:</u></p> <ul style="list-style-type: none"> □ We have several resources that the Service should explore that are utilized by Jefferson County including volunteers, the Jefferson County Historical Society, etc. □ As part of the Emergency planning efforts, the County has an Emergency Management Coordinator and the Sheriff's Department that has worked with the site to help with various issues. □ As noted in the document: "Coordinate ... mineral rights issues, and highway planning along Indiana with local open space agencies and adjacent landowners." Please revise to say "with local governments" since some of the issues (mineral rights and transportation) for Jefferson County are coordinated through the County Administrator's office. <p>16-10</p> <p>16-11</p> <p>16-12</p> <p><u>Refuge Operations:</u></p> <ul style="list-style-type: none"> □ While we are not in the position to comment on the number of FTEs needed for the management of the Refuge, we do want to express our view of the intent of proper and effective management. The staffing of the Refuge should address the adopted alternative. As in the case of Alternative B providing trail loops, trail heads and interpretation, there should be enough presence to monitor proper use and enforce regulations protecting the sited and resources. There should be adequate staffing to cover the entrances, circulate around the site and be available on-site during the hours the Refuge is open to the public. Certainly an after hour staff presence would be nice, however, contract security may be | <p>16-7. Alternative B includes equestrian access on the trails in the southern part of the Refuge, under the stipulations that are described in the Compatibility Determination in Appendix B.</p> <p>16-8. The Service is looking forward to continued collaboration with the County and other nearby jurisdictions. Working with others is one of the six planning goals of the Refuge.</p> <p>16-9. The Service would consider these and other resources during the management of the Refuge.</p> <p>16-10. The Service would work with the County to establish appropriate emergency response protocols.</p> <p>16-11. The FEIS was revised accordingly.</p> <p>16-12. The Service does not anticipate a constant law enforcement presence on the Refuge. However, the Service does believe that the proposed levels of staffing are sufficient to implement the management objectives that are proposed in the CCP. Resources would be shared across the refuge complex that includes the Rocky Mountain Arsenal NWR and Two Ponds NWR.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Five</p> <p>adequate during those hours. Additionally, we are assuming the number of FTEs includes those who will assist in the restoration efforts.</p> <p>From our expertise it appears that the number of FTEs appears to be ½ of what would be needed to provide adequate management.</p> <p>Other comments:</p> <p>16-13 □ Perimeter Fencing: Early in the process of the draft legislation, a key issue voiced by the city of Arvada was the issue of fence type since the location of Rocky Flats is at the gateway to the city and to Jefferson County. No mention was made in the proposed management plan, so Jefferson County wants to voice their support for the city of Arvada’s position to minimize the use of obtrusive fencing and support the concept of a traditional three-strand cattle fence, with stays, around the perimeter of the Refuge.</p> <p>We do support the position to demarcate lands that will be retained by the Department of Energy and to post any necessary information to communicate to the general public of the restricted access.</p> <p>16-14 □ Transportation Corridor: As you are aware, a major transportation corridor is needed through this portion of Jefferson County. Jefferson County, and the cities of Golden, Lakewood, Wheat Ridge, Arvada and Westminster, completed a two year study known as the Northwest Quadrant Feasibility Study which identified the need to preserve 300-foot of right-of-way generally along the Indiana corridor. The implementation of this finding through the efforts of the Governor and local elected officials has progressed and the Colorado Department of Transportation (CDOT) is initiating the Environmental Impact Statement (EIS) for the corridor. We support the Service in their efforts to identify the impacts of the 300-foot corridor along the west side of Indiana to determine the impacts as it relates to the management of the Refuge. However, we do not see the Service as transportation planners and request the determination of appropriate transportation right-of-way width be a part of the EIS that will be completed by CDOT. The Service analyzing the entire 300-foot width should identify all impacts identified for the Service. It is not the function, nor is it within the expertise of the Service to determine the width of the potential transportation corridor.</p> <p>Analysis was provided within the document however, at times, statements were made without measurable data. Minimal comments should be made and the “Northwest Corridor Environmental Impact Statement” should fully explore each issue and the cumulative impacts.</p> | <p>16-13. As required by the Refuge Act, the Service analyzed different fencing options in Section 4.15 – <i>Fencing Considerations</i>. A barbed-wire boundary fence was recommended for all alternatives. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>16-14. The DEIS and FEIS identify those resources that fall within a distance of 50, 125, 300 feet from Indiana. The Service acknowledges that the transfer of land for the purposes of transportation improvements is DOE’s responsibility and would occur prior to the establishment of the Refuge. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Six</p> <p>16-15</p> <ul style="list-style-type: none"> <input type="checkbox"/> Mineral Rights: Jefferson County understands the Service’s position on not managing lands without the acquisition of the mineral rights. However, we have always been clear in our position: We can support Federal ownership of the rights, provided that they can be acquired from a willing seller and request you take appropriate steps to work with the owners of the mineral rights to secure the ownership. <p>16-16</p> <ul style="list-style-type: none"> <input type="checkbox"/> 15-year Phasing: The Rocky Flats site has a long history of closure and restricted access. With the impending changes in land utilization coupled with several very concerned and involved communities along the Front Range, it is important to introduce the public to the site as soon as it is reasonably possible. These are communities that appreciate open lands and wildlife and the values they bring. As with the arsenal site, public access, understanding and appreciation will further the role of the Service in keeping this resource available to millions of Metro Denver’s residents. Unlike the arsenal, this site will be “clean” before the management is turned over to the Service, therefore, public use can be more flexible. Jefferson County, therefore, is hoping that select portions of the Refuge would be opened for public use as soon as is possible – almost immediately. We don’t want to see analysis paralysis. We also encourage the Service, in conjunction with the local government partners, to take advantage of the next three years before the official transfer of the land, to explore the opportunities for immediate public access. For example, large tracts of “buffer” lands never received direct manufacturing impacts from plant operations and have remained virtually the same since our early pioneer days. They are great examples of both tall and short grass prairie lands and prairie ecosystems that can be combined with public use to find the appropriate balance for the Refuge. <p>16-17</p> <ul style="list-style-type: none"> <input type="checkbox"/> Several references were made to “pre-settlement” conditions throughout the document. It would be helpful to quantify what “pre-settlement” conditions are. <p>16-18</p> <p>Thank you once again for the opportunity to comment. Please do not hesitate to contact us or Nanette Neelan, Assistant County Administrator, for any additional information or assistance. We are looking forward to the partnership in this Jefferson County jewel!</p> <p>Sincerely,</p> <p>BOARD OF COUNTY COMMISSIONERS</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Michelle Lawrence Chairman </div> <div style="text-align: center;">  Richard M. Sheehan </div> <div style="text-align: center;">  Patricia B. Holloway </div> </div> | <p>16-15. Thank you for your comments.</p> <p>16-16. See response to comment 16-5.</p> <p>16-17. The FEIS was revised to clarify the meaning of “pre-settlement” conditions to be a conceptual goals for habitat restoration based on ecological conditions that existed prior to ranching and modern use and disturbance of the site. This definition has been added to the glossary.</p> <p>16-18. Thank you for your comments.</p> |

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| | <p>Rocky Flats NWR Laurie Shannon, Planning Team Leader April 26, 2004 Page Seven</p> <p>BCC/mm</p> <p>c: Colorado Congressional Delegation Jefferson County Open Space Advisory Committee David Abelson, RFCLoG Executive Director Patrick Thompson, County Administrator Nanette Neelan, Assistant County Administrator Ralph Schell, Open Space Director Ken Foelske, Open Space Manager Dannie Brindle, Public Works Director Richard Turner, Planning Director</p> | |

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| <p>17-1</p> <p>17-2</p> | <div data-bbox="304 214 426 337"> </div> <div data-bbox="430 248 722 295"> <p>City of Golden</p> </div> <div data-bbox="869 238 1136 297"> <p>911 Tenth Street, Golden, Colorado 80401 Telephone: 303/384-8000 - Facsimile: 303/384-8001 www.ci.golden.co.us</p> </div> <div data-bbox="888 318 1045 365"> <p>RECEIVED</p> </div> <div data-bbox="900 371 1024 409"> <p>APR. 25 2004</p> </div> <div data-bbox="856 415 1045 467"> <p>U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <div data-bbox="357 342 478 367"> <p>April 22, 2004</p> </div> <div data-bbox="354 409 709 568"> <p>Rocky Flats National Wildlife Reserve Comprehensive Conservation Plan Attn: Planning Team Leader Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, CO 80022</p> </div> <div data-bbox="354 609 512 631"> <p>Dear Ms. Shannon:</p> </div> <div data-bbox="352 652 1050 787"> <p>Golden City Council appreciates your agency taking the time to brief us on the proposed alternatives for wildlife and resource management and public uses at Rocky Flats National Wildlife Refuge (RFNWR). We commend you for your efforts to ensure the project's goals and objectives are compatible with neighboring communities. We welcome the opportunity to review the alternatives and recommend the draft proposed action <i>Alternative B – Wildlife, Habitat & Public Use</i>.</p> </div> <div data-bbox="352 808 1050 987"> <p>This alternative best fits Golden City Council's desire for a balance between public use and protection of wildlife. Alternative B maintains strict control over access to areas with remaining residual contamination. We support plans included in Alternative B for trails in both the northern and southern regions of the site, with equestrian capabilities in the south as well. Alternative B is also desirable due to its openness to limited hunting capabilities and the unique use of part of the site especially for handicapped hunters. We believe the addition of multiple overview sites will provide excellent educational opportunities for visitors to gain perspective.</p> </div> <div data-bbox="352 1006 1050 1076"> <p>In addition to supporting Alternative B, Golden City Council urges you to take all action possible to preserve and restore the Lindsay Ranch barn to the greatest extent possible. The barn is a tremendous piece of history on the site, and provides great insight.</p> </div> <div data-bbox="352 1094 438 1118"> <p>Sincerely,</p> </div> <div data-bbox="352 1154 699 1206"> <p> Charles J. Baroch, Mayor</p> </div> <div data-bbox="732 1117 1041 1206"> <p> Bob Nelson – Mayor Pro-Tem</p> </div> | <p>17-1. Thank you for your comments.</p> <p>17-2. Alternative B includes the stabilization and interpretation of the Lindsay Ranch barn.</p> |

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| |  <p data-bbox="436 240 724 284">City of Golden</p> <p data-bbox="877 227 1144 284">911 Tenth Street, Golden, Colorado 80401 Telephone: 303/384-8000 - Facsimile: 303/384-8001 www.ci.golden.co.us</p> <p data-bbox="924 341 1081 389">RECEIVED</p> <p data-bbox="955 397 1081 446">APR 25 2004</p> <p data-bbox="892 446 1081 495">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="331 414 451 435">April 22, 2004</p> <p data-bbox="331 457 640 568">Laurie Shannon Rocky Flats National Wildlife Refuge US Fish and Wildlife Service Rocky Mountain Arsenal Building 121 Commerce City, CO 80022</p> <p data-bbox="331 592 751 613">Via email laurie.shannon@rf.doe.gov and US Mail</p> <p data-bbox="331 657 1050 722">Re: Comments of City of Golden on Draft Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) for Rocky Flats National Wildlife Refuge</p> <p data-bbox="331 747 483 768">Dear Ms. Shannon:</p> <p data-bbox="331 792 1071 925">In accordance with the Federal Register Notice at 69 FR 11853, I am submitting this comment letter for the City of Golden (Golden) as an addition to the comments submitted to you on April 21 by Mayor Chuck Baroch and Mayor-Pro Tem Bob Nelson. Golden is one of the cities identified in section 3178(b) of the Rocky Flats National Wildlife Refuge Act of 2001 (Act), Public Law 107-107, as participants entitled to direct involvement in the comprehensive planning process.</p> <p data-bbox="331 950 1081 1063">Golden supports plans to ensure that the Refuge will be managed to provide for conservation and preservation of native habitats and wildlife, as well as further preservation of the unique Mountain Backdrop along the Front Range. It also seeks to ensure that the planning process will adequately identify and minimize the effects that any transportation projects that may be located along the east side of the Refuge will have on the Refuge's resources and the region as a whole.</p> <p data-bbox="331 1079 598 1101">Transportation Corridor Issues</p> <p data-bbox="331 1120 1081 1209">The Act explicitly directs FWS to plan for and make recommendations in the CCP regarding a transportation corridor of up to 300 feet in width along Indiana Street on the eastern boundary of the Refuge. FWS's mandate is to protect the resources contained within the Refuge and ensure the biological viability of wildlife resources and habitat.</p> <p data-bbox="331 1226 1071 1299">Pursuant to the Act, the CCP shall "address and make recommendations on ... the identification of any land" that may be made available for the transportation corridor. Act at § 3178(d)(1). The Act clearly contemplates that FWS will exercise judgment regarding the extent of the 300-</p> | <p data-bbox="1228 256 1627 284">18-1. Thank you for your comments.</p> <p data-bbox="1228 305 1974 454">18-2. The Service does not have the authority to determine the extent (up to 300 feet) of a transportation corridor that could be made available. The transfer of land for the purposes of transportation improvements is DOE's responsibility and will occur prior to the Refuge establishment.</p> <p data-bbox="1228 487 1974 787">The DEIS identifies those resources that fall within a distance of 50, 125, and 300 feet from Indiana. The Refuge Act directs the Service to address and make recommendations for the identification of any land that DOE could make available for transportation improvements. The FEIS was revised to include a new Section 4.16 that discusses potential Refuge lands within a corridor immediately west of Indiana Street up to 300 feet wide. The new section also describes recommended mitigation measures that would minimize adverse impacts to the Refuge related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> |

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| | <p>foot corridor that could be made available and how the transportation corridor will interact with management of the Refuge. FWS has the ability and the obligation to plan for a smaller corridor.</p> <p>If Congress had meant FWS merely to identify the 300-foot maximum corridor already identified in the Act, the language requiring FWS “to address and make recommendations on . . . identification of land . . . that could be made available” would be surplus. The requirement to address the transportation corridor in the CCP, coupled with the requirement in the Act that an applicant show that a project would minimize impacts on FWS’s <i>management</i> of the Refuge, <i>id.</i> at § 3174(e), contemplates that FWS will establish objective criteria regarding the corridor that will inform whether a proposed project would adequately “minimize adverse effects on the management of Rocky Flats as a wildlife refuge.” This the Draft CCP fails to do.</p> <p>18-3 The Draft CCP selects three corridor widths (50, 125 and 300 feet) and, in Chapter 4, attempts to quantify the extent of impact to various Refuge resources in each of these three hypothetical corridors. While this is a useful exercise in predicting the rough parameters of impact, it does not assist in meeting the statutory requirement of providing objective criteria for evaluating an application for a corridor, when submitted.</p> <p>18-4 The Act provides that, upon submission of an application by “any county, city, or other political subdivision of the State of Colorado,” DOE, in consultation with the Secretary of Interior, “shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.” Act at § 3174(e). The application must include documentation demonstrating that: (1) <i>the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge</i>; and (2) the transportation project is included in the regional transportation plan of the Denver Regional Council of Governments (“DRCOG”). <i>Id.</i> The land made available “may not extend more than 300 feet from the west edge of the Indiana Street right-of-way.” <i>Id.</i></p> <p>The Act does not provide explicit standards or criteria by which DOE would determine if a transportation project would minimize potential impacts on the Refuge. However, the language of the Act directed at the minimization of the “adverse effects on the <i>management of Rocky Flats as a wildlife refuge</i>” indicates that FWS – as the designated manager and planner for the Refuge – would provide such standards through the CCP. FWS’s plans for managing and protecting the Refuge resources will provide the criteria for determining how a transportation proposal will affect the Refuge’s management. In this case, the CCP will supply the standards by which minimization of impacts to Refuge management will be determined. FWS must develop these standards as part of its duties under the Act and the Refuge System Act. These standards are omitted from the Draft CCP, and Golden submits that those elements should encompass, at a minimum, the following:</p> <ul style="list-style-type: none"> • <u>Use of the narrowest practicable right-of-way.</u> • <u>Development of a complete inventory of resources in the corridor and assessment of their importance to FWS’s management of the Refuge.</u> | <p>18-3. The Service disagrees with the City’s interpretation that the Refuge Act requires “objective criteria” for evaluating an application for a corridor. If an application is submitted to DOE for the corridor, the Service would work with the applicant and the DOE to minimize the impacts of transportation improvements to the Refuge. See response to comment 18-4 for additional discussion.</p> <p>18-4. The Refuge Act directs the Service to make recommendations on land that could be made available for transportation improvements. To that end, the FEIS includes a new Section 4.16, which discusses potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93.</p> |

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| 18-5 | <ul style="list-style-type: none"> • <u>Development of standards for the potential use of the transportation corridor to ensure a minimum of impacts to the management of the Refuge pursuant to the Act.</u> A proposed transportation project would minimize impacts to the management of the Refuge only if: <ul style="list-style-type: none"> ○ <i>No other practicable offsite alternative would meet environmentally appropriate transportation objectives.</i> ○ <i>It uses the minimum amount of Refuge property necessary to meet the environmentally appropriate transportation objectives.</i> ○ <i>It provides all reasonably available mitigation measures to minimize impacts to Refuge habitat, migration routes, water quality, air quality, and other resources.</i> ○ <i>It minimizes effects to offsite resources that are important to the management of the Refuge, such as adjacent areas of open space used as habitat by Refuge species, streams, viewsheds, and open space recreational activities, and to the regional environment.</i> | <p>18-5. See response to comment 18-4.</p> <p>18-6. See response to comment 18-4.</p> <p>18-7. The FEIS was revised to describe the types of cumulative impacts that adjacent urban development may have on the Refuge.</p> <p>18-8. Rocky Flats was not included as critical habitat for the Preble’s because it was designated to become a National Wildlife Refuge and the mouse would be protected as a result. While the DEIS states that the Refuge was not included in the critical habitat designation for the Preble’s, the Service disagrees with the assertion that this statement of fact implies that “its habitat may be taken and used for conflicting purposes.” During the critical habitat designation process, the Service directed that areas outside of the critical habitat designation will continue to be subject to conservation actions and regulatory protections (69 Fed. Reg. 37295).</p> |
| 18-6 | <p>Even aside from the specific requirement in the Act to address the transportation corridor, FWS cannot plan for the Refuge without addressing the effects of use of the transportation corridor. The Refuge System Act requires that comprehensive conservation plans identify and describe “significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems.” 16 U.S.C. § 668dd(e). A highway corridor that would cut through critical habitat for an endangered species, wetlands, and rare xeric tallgrass prairie habitat qualifies as a problem that may affect habitat within the planning unit. Therefore, the CCP Plan must identify impacts associated with the use of the transportation corridor and the actions necessary to mitigate them. Discussion of impacts merely as a cumulative impacts issue under NEPA is insufficient.</p> <p>Impacts of Other Nearby, Foreseeable Development on Refuge Resources</p> | <p>The Final CCP/EIS identifies up to 8.5 acres of potential Preble’s habitat that would be included in a 300-foot transportation right-of-way. While the revised discussion in Section 4.16 includes general concerns related to habitat impacts related to Refuge management, it is not the Service’s responsibility to analyze the potential direct impacts of yet unknown transportation improvements.</p> |
| 18-7 | <p>The CCP makes only a passing reference to future development adjacent to the southern boundary of the Refuge (CCP at 67). The CCP acknowledges that this development is “Reasonably Foreseeable.” <i>Id.</i> In its dual role as an Environmental Impact Statement and Plan for the Refuge, the CCP must be revised to disclose, discuss and plan for the probable impacts of this intensive residential and commercial development (called Vauxmont) on the Refuge and its resources. 40 CFR 1508.7. As currently drafted, the CCP/EIS inadequately discusses these impacts. Foreseeable development on any of the Refuge’s other external boundaries must likewise be discussed. <i>Id.</i></p> <p>Endangered Species Impacts</p> | |
| 18-8 | <p>With respect to the Preble’s Mouse, the Draft CCP states that the proposed Refuge contains no designated critical habitat for the Mouse, implying that its habitat may be taken and used for conflicting purposes. (CCP at 111) While it is accurate to state</p> | |

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| | <p>that the final critical habitat rule did not designate critical habitat within the proposed Refuge, see 68 Fed. Reg. 37276 (June 23, 2003), the implication, if it was intended by FWS, is incorrect. The rule makes clear that the refuge contains the <i>de facto</i> critical habitat of the Mouse, and as such that habitat enjoys protection from taking under section 9 of the Endangered Species Act. 68 Fed. Reg. at 37,305 (“The Service will manage the refuge in a manner to conserve the Preble’s. For that reason, we find that the Rocky Flats site is not in need of special management measures.”). <i>See e.g. Palila v. Hawaii</i>, 852 F.2d 1106 (9th Cir. 1988). Again, it is necessary to identify the planning measures by which the CCP can ensure no takings of the Preble’s Mouse, and the conservation of the Preble’s Mouse, in the context of the transportation corridor.</p> <p>Sincerely,</p>  <p>Michael C. Bestor City Manager</p> | |

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| 19-1 | <p style="text-align: center;">CARLSON, HAMMOND & PADDOCK, L.L.C. ATTORNEYS AT LAW</p> <p>MARY MEAD HAMMOND WILLIAM A. PADDOCK LEE H. JOHNSON KARL D. OHLSEN BETH ANN J. PARSONS</p> <p style="text-align: center;">1700 LINCOLN STREET, SUITE 3900 DENVER, COLORADO 80203-4539</p> <p style="text-align: center;">TELEPHONE (303) 861-9000 TELECOPIER (303) 861-9026</p> <p style="text-align: right;">JOHN UNDEM CARLSON (1940-1992)</p> <p style="text-align: right;">e-mail: chp@chp-law.com website: www.chp-law.com</p> <p style="text-align: center;">April 23, 2004</p> <p>Laurie Shannon Planning Team Leader Rocky Mountain Arsenal National Wildlife Refuge Building 121 Commerce City, CO 80022-1748</p> <p>Re: <i>The Draft Comprehensive Conservation Plan and Environmental Impact Statement</i>, dated February 2004</p> <p>Dear Ms. Shannon:</p> <p>I am writing on behalf of the Woman Creek Reservoir Authority. The Woman Creek Reservoir Authority ("Authority") appreciates the opportunity to comment on the <i>Draft Comprehensive Conservation and Environmental Impact Statement</i> (CCP/EIS) for the Rocky Flats National Wildlife Refuge (RFNWR). The Authority is a political subdivision and a public corporation of the State of Colorado. Its membership is comprised of the cities of Westminster, Northglenn, and Thornton. The Authority owns property adjacent to the proposed refuge area.</p> <p>The Authority supports the draft proposed action "Alternative B - Wildlife Habitat & Public Use." Alternative B allows for public use of the refuge, protection of wildlife and habitat, and controlled access to areas with residual contamination. In addition, please incorporate by reference the City of Westminster's April 21, 2004 letter containing comments to the CCP/EIS for the RFNWR.</p> <p>The Authority expects that it will be involved in and informed of any future action regarding the RFNWR, and would also like to participate and comment on the CCP/EIS final plans. Thank you, once again, for the opportunity to comment.</p> <p style="text-align: center;">Sincerely,  Lee H. Johnson Attorney for the Woman Creek Reservoir Authority</p> <p>Cc: Bud Hart Mary Fabisiak Ron Hellbusch James Holladay Rocky Flats Coalition of Local Governments LHJ:acj-1548,373</p> | <p>19-1. Thank you for your comments. See responses to the City of Westminster's comments (letter #12).</p> |

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| <p>20-1</p> <p>20-2</p> <p>20-3</p> | <div style="text-align: center;"> <h2>Alliance for Nuclear Accountability</h2> <p><i>A national network of organizations working to address issues of nuclear weapons production and waste cleanup</i></p> </div> <div style="float: right; text-align: center;">  </div> <p>Member Groups American Friends Service Committee Denver, CO</p> <p>Blue Ridge Environ. Defense League Glendale Springs, NC</p> <p>Carolinas Peace Resource Center Columbia, SC</p> <p>Citizen Alert Las Vegas, NV</p> <p>Coalition for Health Concern Benton, KY</p> <p>Concerned Citizens for Nuclear Safety Santa Fe, NM</p> <p>Fernald Residents for Environmental Safety and Health, Inc. Ross, OH</p> <p>Global Resource Action Center for the Environment New York, NY</p> <p>Government Accountability Project Seattle, WA</p> <p>Heart of America Northwest Seattle, WA</p> <p>Miamisburg Envir. Safety & Health Miamisburg, OH</p> <p>National Environmental Coalition of Native Americans Pogon, OK</p> <p>Nuclear Watch of New Mexico Santa Fe, NM</p> <p>Oak Ridge Envir. Peace Alliance Oak Ridge, TN</p> <p>Panhandle Area Neighbors & Landowners Panhandle, TX</p> <p>Peace Action Education Fund Washington, DC</p> <p>Peace Farm Panhandle, TX</p> <p>Physicians for Social Responsibility Washington, DC</p> <p>Portsmouth/Pikeston Residents for Environmental Safety & Security McDermott, OH</p> <p>Rocky Mt. Peace & Justice Center Boulder, CO</p> <p>Shundahai Network Salt Lake City, UT</p> <p>Snake River Alliance Boise, ID</p> <p>Southwest Research and Information Center Albuquerque, NM</p> <p>STAND of Amarillo Amarillo, TX</p> <p>Tri-Valley CAREs Livermore, CA</p> <p>Western States Legal Foundation Oakland, CA</p> <p>Women's Action for New Directions Arlington, MA</p> <p>March 15, 2004</p> <p>Rocky Flats NWR Comprehensive Conservation Plan Attn: Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal NWR, Building 121 Commerce City, CO 80022</p> <p>RE: Proposal to open the Rocky Flats Wildlife Refuge to public use.</p> <p>Dear Comprehensive Conservation Planning Team:</p> <p>The Alliance for Nuclear Accountability (ANA) is a national network of more than thirty local, regional and national organizations representing the concerns of communities downwind and downstream from U.S. nuclear weapons production and radioactive waste disposal sites.</p> <p>ANA's broad range of member organizations object in the strongest manner to the proposed opening of the Rocky Flats Wildlife Refuge for public recreation. For almost half a century, the exceedingly dangerous work of processing and recovering plutonium and of manufacturing the fissionable plutonium "pits" of nuclear weapons was done at Rocky Flats. Fires, accidents, routine operations, and random dumping during the production scattered plutonium across the whole of the 6,500-acre site. Other toxins, including beryllium, organic compounds, heavy metals, and other radioactive materials were also released into the environment or disposed of on the site. Given that these toxins will still be present in varying amounts when FWS receives the site from DOE, FWS must take on the responsibility of keeping the public away from the area.</p> <p>The Draft Comprehensive Conservation Plan and Environmental Impact Statement for the Rocky Flats National Wildlife Refuge, recently released by FWS, ignores the evidence that the site will remain contaminated until well beyond the 2006 proposed hand-over to FWS. Indeed, the site will remain contaminated essentially forever, because plutonium, with a half-life of 24,400 years, remains dangerously radioactive for a quarter of a million years. Plutonium particles dusted over the surface environment could be stirred up and resuspended by the recreational activities of hiking, biking, hunting, and horseback riding proposed by FWS in its preferred alternative for future use of the site. Tiny particles inhaled, ingested, or otherwise taken into the body may result in cancer, harm to the immune system, or pollution of the human gene pool. Numerous studies indicate that current official standards for permissible exposure seriously underestimate the harm that may result from exposure to a miniscule quantity of plutonium. Moreover, genetic effects on wildlife are very poorly understood. In addition, some scientists fear that wind, floods, fires, geophysical changes, as well as animal and human activity, will bring to the surface plutonium and other dangerous materials being left in the subsurface environment and so increase the danger of exposure to humans. Little is known about the synergistic effects of various toxins in combination.</p> <p>Seattle Office: 1914 North 34th St., Suite 407, Seattle, WA 98103, 206/547-3175, Fax: 206/547-7158 Washington, DC Office: 322 4th Street NE, Washington, DC 20002, 202/544-0217, Fax: 202/544-6143 www.anuclear.org anuclear@earthlink.net</p> | <p>20-1. Thank you for your comments.</p> <p>20-2. There is no scientific evidence that there are dangerous levels of plutonium or other contaminants scattered "across the whole of the 6,500 acre site." Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed a cleanup and closure. The EPA and CDPHE considered the types of recreational activities that may be allowed on the Refuge when the RSALS of cleanup were determined. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have accepted that all activities proposed in the CCP will be safe. However, in response to public interest and concern, an expanded discussion of issues related to site cleanup is included in Section 1.8.</p> <p>20-3. See response to comment 20-2.</p> |

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| 20-4 | <p>Despite these and other alarming indicators of the dangers posed by the site to humans on or near the premises, the site has never been examined to determine the full extent of contamination. The “cleanup” will be completed without knowing whether there are undetected hot spots of various contaminants, which there will likely be. Workers recently uncovered a buried incinerator three stories tall. Of the \$7 billion being spent to close the site by December 2006, no more than \$470 million (about 7% of the total) will be applied directly to cleaning the environment. Cleanup efforts at Rocky Flats do not provide the maximum possible protection for the public.</p> | <p>20-4. See response to comment 20-2.</p> <p>20-5. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary within the Refuge will be decided by DOE and the other RFCA parties. The Service is not the final decision-maker in these matters. However, the Service will continue to provide input to the RFCA parties.</p> |
| 20-5 | <p>At completion of the cleanup, the site will be divided between the more-contaminated part still managed by the DOE and a less-contaminated portion to be operated by FWS as the Wildlife Refuge. Yet DOE and FWS propose a Rocky Flats site with no fences or warning signs, utilizing only institutional and physical controls (e.g. rules about use, barriers) to keep the public safe. The National Academy of Sciences says such controls will fail.</p> | <p>In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks with appropriate signage would best demarcate the DOE retained area, keep any livestock out of the DOE retained area, and indicate the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> |
| 20-6 | <p>The Alliance for Nuclear Accountability and its 33 member organizations recognize the novelty of FWS being expected to manage as a wildlife refuge the site of a former nuclear weapons production facility. We also realize that making Rocky Flats into a wildlife refuge sets a precedent for other contaminated DOE sites. Clearly, this is not business as usual. Accordingly, we strongly back the following proposals:</p> | <p>20-6. The Refuge was established by the U.S. Congress in the Rocky Flats National Wildlife Refuge Act of 2001. Rocky Flats will not be the first refuge established on a former nuclear facility. Saddle Mountain NWR was established in Washington in 1971, with over 30,000 acres in the buffer zone of the DOE’s Hanford Site. Saddle Mountain was included in the Hanford Reach National Monument, created as part of the Refuge System in 2000. Over 50,000 acres of the Hanford Reach National Monument is currently open to public use. Unfortunately, with the Refuge system there are dozens of sites that have to deal with a variety of contaminant issues related to former and/or adjacent land uses.</p> |
| 20-7 | <ul style="list-style-type: none"> • Due to the contaminated conditions of the Rocky Flats site, the wildlife refuge should be declared off limits to the public for at least two centuries from establishment of the refuge. | <p>20-7. See response to comment 20-2.</p> |
| 20-8 | <ul style="list-style-type: none"> • A comprehensive research program should be implemented to collect data on the plutonium body burden of wildlife on the site, on the basis of which extrapolations can be made to genetic effects on the wildlife and potential effects on humans at or near the site. | <p>20-8. Tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats.</p> |
| 20-9 | <ul style="list-style-type: none"> • U.S. Fish and Wildlife Service should work closely with DOE’s Legacy Management Office in implementing at Rocky Flats a program of ongoing research on promising technologies that can be applied at the site to reduce contamination with minimal ecological disturbance. | |
| 20-10 | <ul style="list-style-type: none"> • To oversee the foregoing, a broadly representative program of public oversight should be developed and implemented. | |

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| 20-11 | <p>We hope that in your future deliberations on the desirable end state of the Rocky Flats site, comments submitted by the public will be taken more seriously than they have been in the past. Over 85% of the individuals and organizations that commented on the Rocky Flats Cleanup Agreement proposed in late 2002 rejected the plan as inadequate, yet this fact was ignored by the DOE and the regulators when they adopted the plan in June 2003.</p> <p>Sincerely,</p>  <p>Susan Gordon, Director Alliance for Nuclear Accountability</p> <p>Cc: Senator Wayne Allard Representative Mark Udall Rocky Flats Citizens Advisory Board Rocky Flats Coalition of Local Governments</p> | <p>Extensive studies have been conducted on wildlife and vegetation at Rocky Flats since the mid 1970s, mostly by Colorado State University. These studies include two deer studies as well as studies of small mammals, arthropods (insects), snakes, and cattle. Samples were taken of various species for the Draft Ecological Risk Assessments for Walnut Creek and Woman Creek Watersheds at Rocky Flats Environmental Technology Site (September 1995) and included samples from small mammals, insects, benthic invertebrates, and fish. Additional studies were done by CSU on vegetation uptake of Pu, in both terrestrial and aquatic species. Studies have also been done at other DOE facilities that can be used to compare to Rocky Flats.</p> <p>One of the purposes that the Refuge was established is scientific research. Once the Service takes primary jurisdiction, the Service will review proposals for research on the site. If the Service establishes that the research will be of benefit to science and the advancement of the Refuge, the investigators will be allowed to proceed with the research.</p> <p>20-9. Working with others is one of the six planning goals of the Refuge.</p> <p>20-10. The Service would involve the public in Refuge management decisions in a variety of forums. First, many of the specific management actions would be determined by “step-down” management plans, such as a Fire Management Plan or an Integrated Pest Management Plan. Step-down management plans typically include a public participation process. A second means for citizens to be involved in Refuge management is through the establishment of a “Friends” group for the Refuge (Objective 5.4). Alternatives B and D would implement a volunteer program which is a great way for the public to actively engage in Refuge management. Finally, existing forums for citizen involvement in matters pertaining to Rocky Flats include the Rocky Flats Citizen Advisory Board (RFCAB), and the Rocky Flats Coalition of Local Governments.</p> <p>20-11. Thank you for your comments.</p> |

| Comment # | Letter #21 | Response |
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| <p>21-1</p> <p>21-2</p> <p>21-3</p> <p>21-4</p> <p>21-5</p> <p>21-6</p> <p>21-7</p> | <div style="text-align: center;">  <p>APR 19 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> </div> <p>BOARD OF DIRECTORS</p> <p>Guy Burgess</p> <p>Jim Knopf</p> <p>Adam Massey</p> <p>Chris Morrison</p> <p>Gary Sprung</p> <p>Holly Tulin</p> <p>Eric Vogelsberg</p> <p>Suzanne Weber</p> <p>April 11, 2004</p> <p>To: Ms. Laurie Shannon U. S. Fish and Wildlife Service</p> <p>Subject: Management Alternatives for the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement</p> <p>References:</p> <ol style="list-style-type: none"> 1) Memo to Senator Allard from the Boulder Area Trails Coalition, June 24, 2000 2) Memo to Ms. Laurie Shannon from the Boulder Area Trails Coalition, October 2, 2002 3) Memo to Ms. Laurie Shannon from the Boulder Area Trails Coalition, June 14, 2003 <p>The Board of Directors of the Boulder Area Trails Coalition would like to take this opportunity to comment on the draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge. As we've noted before, we're delighted with the opportunities the refuge offers for public appreciation of this important wildlife resource.</p> <p>We support the Fish and Wildlife Service's Proposed Action (Alternative B). We recommend some enhancements which we believe will advance the Fish and Wildlife objectives and better serve the public. In particular:</p> <ul style="list-style-type: none"> • Develop a phased implementation plan which allows gradually increasing visitor access to the trail system over the initial five years of operation, rather than closing most of the property to visitors for that period • Provide a short trail segment paralleling the gravel road between the parking lots on the west side of the refuge to create a north-south connection between the two major east-west trail alignments • Provide a trail to the northwest to connect with Boulder City Open Space and Mountain Parks trails • Make provision in the plan to include a north-south trail connection along the eastern side of the property in any future highway expansion along that corridor • Allow equestrian access to a north-south trail to provide connection to the Boulder City and County Open Space properties to the north of Rocky Flats that are open to equestrian use <p style="text-align: center;">BATCO ♦ PMB 201 ♦ 1705 14TH St. ♦ Boulder, CO 80302</p> | <p>21-1. Thank you for your comments.</p> <p>21-2. Thank you for your comments.</p> <p>21-3. Based on the interest of the Coalition and several members of the public, the Service considered expanding initial public access opportunities on the Refuge. Due to the proposed restoration, a limited budget for Refuge management, and public concerns about access to the Refuge, the Service maintained the public use implementation plan for all alternatives. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape.</p> <p>21-4. A parallel trail along the north-south access road has been incorporated into Alternatives B and D.</p> <p>21-5. The Draft CCP/EIS acknowledges that there would be no proposed connection between trails in the Rock Creek portion of the Refuge, and the existing and proposed trails to the north of the Refuge along Highway 128. Based on the concerns of the Coalition, the City of Boulder, and several citizens, the planning team re-visited this decision, but did not include such a connection in the Proposed Action. A connection would not be provided because the Rock Creek drainage is the most ecologically sensitive portion of the Refuge, and therefore would only support seasonal, hiking-only trails. A multi-use through trail in this area would hamper the Service's ability to manage access and seasonal closures. In addition, a trail connection to the north would need to ascend steep slopes below Highway 128, and would compromise the Service's ability to manage trail access and use in the sensitive Rock Creek drainage.</p> <p>21-6. Throughout the planning process, there has been community interest in a trail along the east side of the Refuge. For several reasons, the proposed action does not include such a trail. These reasons include uncertainties surrounding the potential transfer of land along Indiana Street for regional transportation improvements, the desired level of trail facilities that would be consistent with the Service's goal of balancing habitat protection and public use, and public concerns about contamination issues. While the Service does not hesitate to accept cleanup decisions related to protecting the safety of Refuge visitors and workers, the Service is aware of and</p> |

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| <p>21-8</p> <p>21-9</p> <p>21-10</p> | <p style="text-align: center;">- 2 -</p> <p>We recognize that the ongoing cleanup activities at Rocky Flats are not the responsibility of the Fish and Wildlife Service and are beyond the scope of the draft Comprehensive Conservation Plan and Environmental Impact Statement. However, we feel compelled to address the very vocal concerns about the cleanup that have been expressed by some Boulder residents. These concerns do not represent the majority of our citizens. We've attached an editorial on the subject from the Daily Camera that we believe much more accurately reflects the viewpoints of most of our residents. It certainly reflects our position and the consensus of our members. We are confident that no public access will be allowed until the EPA has certified the success of the cleanup activities and we are comfortable with the safety of the Fish & Wildlife Service's proposed management actions.</p> <p>We were disappointed by the negative positions taken by the City of Boulder and the Boulder County Commissioners. We feel these positions are not fair representations of the public's interest. The City Council and the County Commissioners based their responses on the recommendations of a few individuals who had agendas of their own. Public input was not solicited and there was little opportunity for comment or discussion. It would most unfortunate if a few disgruntled activists were to succeed in denying reasonable public access to the Rocky Flats Wildlife Refuge.</p> <p>We are excited about this opportunity to create a significant public facility in our neighborhood. Please don't let a vocal minority derail the process.</p> <p>Sincerely,</p> <p>The Board of Directors of Boulder Area Trails Coalition</p> <p style="text-align: center;">BATCO ♦ PMB 201 ♦ 1705 14TH St. ♦ Boulder, CO 80302</p> | <p>sensitive to public perceptions and concerns about residual contamination on the eastern edge of the Refuge and therefore does not propose a north-south trail along the west side of the Indiana Street corridor. However, the Service has added to the CCP/EIS a discussion of preliminary recommendations regarding transportation improvements along the Refuge boundaries (Section 4.16). A north-south trail connection along the Indiana Street corridor is among those recommendations.</p> <p>21-7. See response to comment 21-5 regarding connections to trails to the north. In regard to north-south equestrian access, the Service anticipates that the Front Range Trail, which is conceptually proposed along the Highway 93 corridor, would provide north-south regional equestrian access. As noted in response to comment 21-6, the Service recommends that a north-south multi-use trail be included in any major transportation improvements along the Refuge.</p> <p>21-8. Issues related to ongoing cleanup activities are beyond the scope of the CCP/EIS and outside of the Service's decision-making authority. Due to the high level of public interest and concern, and expanded discussion of issues related to site cleanup is included in Section 1.8.</p> <p>21-9. The Service recognizes that the question of future public access to the Refuge is a sensitive political issue, and is confident in the EPA and CDPHE's position that once the site is certified to be safe, it would be safe for all Refuge activities, including public use.</p> <p>21-10. Thank you for your comment.</p> |

| Comment # | Letter #22 | Response |
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| <p>22-1</p> <p>22-2</p> <p>22-3</p> <p>22-4</p> <p>22-5</p> |  <p>BOULDER COUNTY HORSE ASSOCIATION</p> <p><i>The Voice for Horses and Horse People in Boulder County</i></p> <p>RECEIVED MAR 11 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>Mar. 11, 2004</p> <p>Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan US Fish & Wildlife Service Rocky Mountain Arsenal – Bldg. 121 Commerce City, CO 80022</p> <p>The Boulder County Horse Association (BCHA) supports a meaningful system of non-motorized recreational trails at the Rocky Flats National Wildlife Refuge. We have been active participants in the public input process as the dialogue progressed regarding trails and recreation. We sincerely appreciate your inclusion of equestrians on at least a few trails at the southern periphery of the Refuge in Alternative B, your Proposed Action.</p> <p>However, we would like to take this opportunity to make a few comments about Alternative B in general and about equestrian considerations in particular.</p> <p><u>Alternative B Trail Plan</u></p> <p>1) We appreciate the care you have put into designating most of the trail corridors. It appears most of these will utilize existing alignments such as old roads, which is fine with us. It appears that a variety of trail experiences will also be offered.</p> <p>2) We support the creation of some (shorter) trails for pedestrians only, such as those shown on the northwest portion of your map.</p> <p>3) We support the creation of the main Reserve entrance (the “contact station”, including a trailhead, restrooms, and seasonal staff) at the western location.</p> <p>4) We believe the proposed trailhead parking at the northern edge of the Reserve should be placed across Highway 128 from the existing Coalton Drive Trail. Your current proposed location is more than a mile east of that point, forcing trail users to hike, walk or ride along this busy and very dangerous highway if they want to get from one trail system to another. There is plenty of room for a trailhead parking at the appropriate location (in fact, one of your alternatives shows it as a possible site for the Cold War museum!) so why not put it there?</p> <p>PO Box 19601 • Boulder, Colorado 80308-2601 • web site: www.boulderhorse.org</p> | <p>22-1. Thank you for your comments.</p> <p>22-2. Thank you for your comments. The Refuge trail system was designed to provide minimize impacts to natural resources, provide meaningful visual or physical access to the Refuge attributes, and to provide interesting experience for trail users.</p> <p>22-3. Thank you for your comment.</p> <p>22-4. Thank you for your comment.</p> <p>22-5. Early in the planning process, the existing pull-off area along Highway 128, adjacent to the Rock Creek drainage and across the road from Boulder County’s Coalton Trail access was considered as a potential trailhead location. This trailhead location was not included in any of the alternatives for several reasons, all related to the sensitive natural resources in the Rock Creek drainage. First, the aforementioned location is bounded to the south by slopes that the Service believes are too steep for an ecologically sensitive trail connection. Second, due to the resources in the Rock Creek drainage, all trails in that area would be hiking only and closed seasonally. If a trailhead or multi-use trail connection were established at that location, the Service does not believe that it would be able to effectively enforce the seasonal and modal trail closures that would be necessary to protect natural resources. Finally, the northern trailhead location is not intended to be a regional trail connection. Instead, it is envisioned to be a starting off point for access to the Refuge trails and views for the communities to the north of Rocky Flats.</p> <p>The Service understands the desire of some users to have a northern connection to the Refuge, but in balancing the ecological concerns of the area, the proximity of the Wind Technology Site, and the potential mining of most of the western portion of the site, the Service was not able to identify a compatible trail connection to Boulder’s open space lands. The Service believes that there are other options that exist adjacent to the Refuge and would encourage user groups to explore other options.</p> |

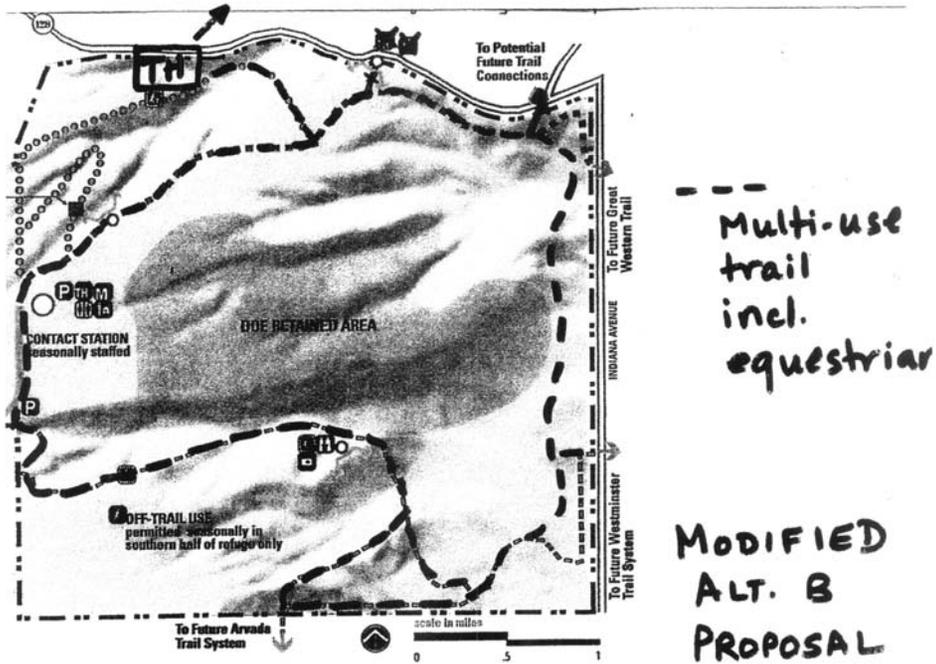
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| 22-6 | <p>5) Your Figure No. 5 (Visitor Use Map, Alternative B) shows your proposed trails connecting to “future” trail systems on the north, east, south and west sides of Rocky Flats – yet your Figure No. 21 (Regional Trails) shows these future proposed trails connecting through Rocky Flats only northward at the northeast corner (“to Potential Future Trail Connections” – sure, right where the Northwest Corridor highway will be built!) and at the southern boundary (“to Future Arvada Trail System”). Specifically, a trail connection is not indicated between Colorado Hills or Standley Lake to the southeastern trail arrow shown on your map, and the entire northwest corner of the Standley Lake property is closed for eagle habitat so achieving any proposed trail there is dubious at best. The future of a trail along the northern boundary of the Great Western Reservoir is in doubt, inasmuch as there is a gun range there, as well as new developments. The Front Range Trail is shown in an abominable location along Highway 93 (the subject of many future but separate discussions!) with no connection to Rocky Flats other than along the proposed gravel entrance road. Even the proposed southern trail connection “to Future Arvada Trail System” is questionable, as your Figure No. 9 (Reasonably Foreseeable Activities) and accompanying text shows that this trail would have to traverse the Vauxmont Development – which doesn’t sound like a desirable situation.</p> | <p>In regard to the potential Cold War Museum location along Highway 128, that location, referenced in Section 2.10 – <i>Reasonably Foreseeable Activities</i>, was recommended as a potential site in the 2003 Museum Feasibility Study. The Study suggested a site near the entrance to the National Wind Technology Center, which is about ¼ mile west of the aforementioned Coalton Trail access point.</p> <p>22-6. The proposed trails shown in Figure 21, Regional Trails, are based on existing plans and documents that were provided by adjacent jurisdictions. While some have been proposed by individual jurisdictions in anticipation of Refuge establishment, most were planned and documented prior to the CCP/EIS planning process. For this reason, the Service sought to establish trail connections to other planned trails where practicable. It is understood that some trail connections to the Refuge (such as Colorado Hills Open Space) would need to be established in the future whether or not they are in the current plans for those areas. It is the intent of the Service to work with nearby jurisdictions to establish regional trail connectivity.</p> |
| 22-7 | <p>6) Alternative B makes no provision for north-south recreational connections other than the proposed Front Range Trail out west by Highway 93. We see the future Northwest Corridor highway alignment as an obstacle to quality trail connectivity (to the east), making a north-south trail alignment on the eastern part of the Reserve even more important.</p> | <p>22-7. The Service acknowledges that Alternative B does not provide a direct, north-south trail connection on either the east or west sides of the Refuge. Based on the concerns and recommendations of others, the planning team reconsidered the trail configuration in Alternative B and added a north-south trail along the visitor access road, as well as a trail connection to the southwest.</p> |
| 22-8 | <p>7) Finally, the time frame proposed for trail development is way too long. There is no reason for this modest plan to take 15 years. Use volunteers to help get the job done – but please, get it done in our lifetimes!</p> | <p>As specified in the Refuge Act, an area with a width of up to 300 feet may be used for highway improvements along Indiana Street. In addition, it is not known at this time what the final boundary will be for the eastern edge of the DOE retained land and if there will be any Refuge boundary between the two. Further, the Service believes that a trail along the eastern edge of the site should be included as part of any roadway widening project.</p> |
| 22-9 | <p><u>Equestrian Considerations</u></p> <p>1) We are pleased that you note that “equestrian use is authorized in most units of the National Wilderness System, and is deemed appropriate with preservation of wilderness values” (Compatibility Determination, p. 226). We agree. Furthermore, we note that the equine population of the Front Range has declined drastically in the past two decades, in part because of urbanization of Colorado and in part because of a decline in quality places to ride. The horse community needs access to public lands – and support from public land managers – to help us preserve our way of life.</p> | <p>22-7. The Service acknowledges that Alternative B does not provide a direct, north-south trail connection on either the east or west sides of the Refuge. Based on the concerns and recommendations of others, the planning team reconsidered the trail configuration in Alternative B and added a north-south trail along the visitor access road, as well as a trail connection to the southwest.</p> |
| 22-10 | <p>2) We would like to explore further your apparent concern with equestrian use. In many parts of the Draft CCP&EIS this concern is not evaluated or supported other than by isolated references to “messes on trails” or concern about potential user conflicts. Only toward the end of the document does it appear that the real issue may be trail erosion or the spread of noxious weeds.</p> | <p>22-8. Prior to full implementation of the public use plans for the Refuge, the Service will be obligated to address ecological concerns related to noxious weeds and revegetation of unused roads on the Refuge. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape. Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow for more flexibility in opening trails.</p> |
| 22-11 | <p>The report cites two articles; we are familiar with both, and we have problems with using them as definitive works. The Weir (2000) article seeks to justify mountain bicycling on public land in Canada, which is fine as long as we all realize that that is its objective. It appears to be a non-scientific, no-peer-review compilation of some of the literature on Impacts of Non-Motorized Trail Use, by an author with no clear professional affiliation. The entire study is full of unsupported statements and the expression of vague accusations about non-bicycle user groups. It does state clearly that there is a paucity of objective data about the effects of recreational trail users on trail sustainability, and that “more thorough study is needed before conclusive</p> | <p>22-8. Prior to full implementation of the public use plans for the Refuge, the Service will be obligated to address ecological concerns related to noxious weeds and revegetation of unused roads on the Refuge. By focusing staffing and budgetary resources on habitat restoration in the first 5 years, the Service would be able to reduce the severity of noxious weed infestations, and initiate road restoration before public trail use would introduce a new disturbance onto the landscape. Objective 2.13 – <i>Recreation Facilities</i> has been revised to allow for more flexibility in opening trails.</p> |

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| 22-12 | <p>judgments can be made about the relative trail erosion impacts of different users” (p.4). It goes on to declare that “In normal system trail use, trampling of vegetation is a minor factor. Trails facilitate travel in part because of their minimal vegetation and bare ground. Bicycles generally remain on trails, in contrast to hikers and equestrians.” [We take issue with that unsupported statement, submitting that equestrians generally do remain on designated trails – although we appreciate the privilege of being able to go off-trail occasionally!]. It acknowledges that “recreationists can introduce parasitic and exotic species” by the use of contaminated feed for pack stock (as in Banff), by the lack of cleanliness (as in muddy bicycle tires, hiking boots and clothing which may carry non-native species seed and spores in the transported soil); and by the importation of firewood (“as happened with the Dutch Elm Disease” [well, whoa there! are they claiming that Dutch Elm Disease was introduced by recreationists????]. One thing this work does not do is specifically point to horses as disproportionate or even primary vectors for noxious weeds, even though it refers to the work described below [as by Benninger-Truax, a citation error curiously – coincidentally? – perpetuated in the USFWS Rocky Flats document]. In summary, this study has some valid contents, but we feel that overall it is flawed and lacks objectivity.</p> <p>The work by Benninger-Truax (1993) has similar flaws with regard to objectivity. The author initially conducted this study as as a student in Ohio in 1989 and reworked it for later publication. She collected horse manure [referred to derogatorily in the study as “scat”] from stables and trails outside and inside Rocky Mountain National Park, was successful in finding some viable seeds therein, observed weeds growing along trails in greater (but unmeasured) abundance near the trails than elsewhere, and concluded that horses are dispersal agents for weeds. The report contains no acknowledgement that other studies have been conducted which yielded far more ambivalent results, nor any recognition that other vectors may have been responsible for any perceived increase in weeds along horse trails. Fortunately, the management of Rocky Mountain National Park chose to ignore this report in any of the subsequent revisions of its management plan!</p> | <p>22-9. Thank you for your comment.</p> <p>22-10. The Service has received mixed support for equestrian access and has concerns about the potential ecological impacts related to additional weed sources, increased trail erosion, and user conflicts. For these reasons, the Service’s limitation of equestrian access in Alternative B is intended to provide a separation of uses and to be conservative with regard to ecological impacts.</p> <p>22-11. The Service is aware that there are many divergent opinions and conflicting studies regarding the specific impacts of various trail uses on the environment. As noted, there is a “paucity of objective data about the effects of recreation trail users on trail sustainability.” In preparing the DEIS, the Service was careful to acknowledge that the context and conditions of specific studies may or may not apply to the Rocky Flats environment. However, the types of general effects that are possible as a result of various trail uses, as described in Section 4.4, appear to be a reasonable assessment. Given the general effects that may occur, the EIS concludes that the proposed trail uses would result in “localized, long term effects” that could be mitigated by appropriate trail maintenance and visitor use management. This discussion has been revised to better reflect the general nature of the types of potential effects, and the specific impacts that are likely to result from the alternatives.</p> |
| 22-13 | <p>BCHA would like to refer the US Fish & Wildlife Service and its consultants, instead, to the Colorado Department of Agriculture Weed Coordinator, Eric Lane (303-239-4100). We have worked extensively with him on the subject of horses and noxious weeds, and are in the process of publishing a brochure on this subject for statewide distribution. He is extremely clear that horses are not a disproportionate vector for the spread of noxious weeds, either in their hair coats or in their manure. Indeed, Lane points to the wind, the water, the wildlife, and truck tires as being far more responsible for the spread of noxious weeds in Colorado. He also believes that any increase in nitrogen content along horse trails from manure is insignificant and does not contribute a favorable environment for seed germination; that it is the initial trail construction disturbance itself that may create a temporarily weedy situation, which subsides rapidly upon establishment of the trail. Indeed, Lane asserts strongly that you shouldn’t restrict equestrian access to any Rocky Flats trails based on a generalized fear of horses spreading weeds there (personal communication, March 11, 2004).</p> | <p>22-12. While there is disagreement in the scientific and recreation community about the extent that recreationists in general and equestrians in particular contribute to the dispersal of noxious weeds along trails, the Service believes that it is reasonable to assume, as stated in the EIS, that bicycles and horses have the potential to carry and disperse weed seeds. The Benninger-Truax (1992) article describes observations that noxious weeds were more concentrated along trails. Other studies have confirmed this observation. The Service does not find reason to validate speculation in these or other articles that equestrians or any other particular trail users are more or less responsible for weed dispersal. The Service has taken relevant observations from the articles cited and is not inclined to speculate on the policy intentions or the adequacy of the methods used in these or other studies.</p> |
| 22-14 | <p>There are many ways to reduce or eliminate introduction of weeds related to horses, including a requirement that only certified weed-free hay be brought onto the Reserve (as is currently enforced by the National Park Service and by the USDA Forest Service, and recommended by various city and county open space agencies). The Colorado Department of Agriculture has a Certified Weed-Free Hay program whose products can easily be verified.</p> | <p>22-13. Mr. Lane has been actively involved in CCP/EIS process, and has provided useful comments to the DEIS.</p> |

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| 22-15 | <p>The Draft CCP&EIS acknowledges that weeds are already a problem throughout the Reserve, even now when there are no trails and no public access (e.g. p.103). Therefore, we are perplexed as to why the Draft CCP&EIS singles out horses and suggests that equestrian access be "contingent" on working out commitments from equestrian groups to pick up manure from the trails twice monthly. We believe this proposal is excessive and not supported by the data; we urge you to eliminate this aspect of the plan. Instead, we urge you to replace it with voluntary adopt-a-trail commitments whose participants would be responsible for weed control in general along all trails they adopt – not just equestrians. Gather quantitative baseline data now, monitor the situation for a reasonable period; then use adaptive management to correct problems if they arise. Please don't start out with excessive restrictions. Don't fix it if it ain't broke!</p> | <p>22-14. The use of weed-free hay on the Refuge would be encouraged through education and outreach. The Service believes that due to limited resources and the proximity of the site to many potential horse users, it would be difficult to enforce a weed-free requirement. Therefore, the Service believes that education and outreach would be more effective.</p> <p>22-15. The Service acknowledges that weeds have become a serious ecological issue at Rocky Flats in the absence of equestrian or any public use. While natural resource protection is a priority of Refuge management, equestrian or bicycle access are not priority public uses of the Refuge. The inclusion of equestrian use, as a mode of access, would be permitted with the stipulation that equestrian groups would remove horse manure on a volunteer basis. This stipulation is given in the interest of protecting native habitat from increased weed dispersal. While the Service recognizes the debate about whether horse manure is indeed a vector for weed dispersal, natural resource protection is a higher priority than equestrian access so the Service has elected to take a conservative approach.</p> |
| 22-16 | <p>We want this Reserve to be a healthy ecological community – and a good neighbor to adjacent landowners -- as much as anyone else. Controlling weeds is an essential part of this relationship. Therefore, we urge you to allocate more budget and more designated (or even seasonal) personnel to winning the weed war at Rocky Flats -- not by restricting visitors.</p> | <p>Another concern about equestrian access is the aesthetic impact of horse manure on trails. Extensive amounts of manure on trails can increase user conflicts and complaints from other Refuge visitors. This is another reason why equestrian use would be permitted with the stipulation that equestrian groups would remove horse manure on a volunteer basis.</p> |
| 22-17 | <p>CONCLUSIONS</p> <p>Although it is not specifically stated in the mission of the Fish and Wildlife Service, providing benefits to people is a very important part of the equation in public land management in the United States. We are part of the ecosystem, and we want to have meaningful access to public lands for the enhancement of our mental and physical well-being. Only by being able to get out there personally to appreciate nature will we be able to continue supporting public land acquisition and management programs.</p> | <p>22-16. Weed management would be a critical component of any Refuge management scenario. The Service believes that the proposed weed management budget in Alternative B would be sufficient to achieve the weed reduction targets described in Objective 1.5.</p> |
| 22-18 | <p>Attached please find a summary of a new book written by Michael Manfreda, a professor at CSU, entitled "Wildlife Viewing: a management handbook." It provides an excellent model for achieving harmony among public land managers, recreationists, and environmental protectionists, based on emphasizing the benefits provided by public land management programs. We urge all involved to read the book and to consider its implications.</p> | <p>22-17. Thank you for your participation.</p> <p>22-18. Thank you for your comment.</p> |
| 22-19 | <p>Also attached please find a map of a modified Alternative B trail system for the Rocky Flats National Wildlife Refuge as we would like to see it.</p> | <p>22-19. The attached map was reviewed by the planning team. Its consideration is addressed in the responses to comments 22-5, 22-6, and 22-7.</p> |
| 22-20 | <p>Thank you for your consideration of our input. We look forward to working with you on this important project.</p> <p><i>Suzanne Weibel</i></p> <p>Suzanne Weibel External Vice President, Trails & Public Lands Chair</p> <p>RKYFLTS3.LET</p> | <p>22-20. Thank you for your input.</p> |

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ROCKY FLATS NATIONAL
WILDLIFE REFUGE



BOULDER COUNTY HORSE ASSOC.

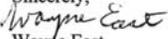
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| Comment # | Letter #23 | Response |
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| | <div data-bbox="373 261 1081 467" data-label="Image"> </div> <p data-bbox="359 467 506 488">February 25, 2004</p> <p data-bbox="359 532 621 639">Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mtn Arsenal Building 121 Commerce City CO 80022</p> <p data-bbox="359 662 590 683">RE: Rocky Flats CCP/EIS</p> <p data-bbox="359 706 464 727">Dear Laurie:</p> <p data-bbox="359 748 1010 792">Thanks for getting me a copy of the Rocky Flats CCP/EIS so quickly. Preliminarily I would like to make the following suggestions:</p> <p data-bbox="142 841 205 862">23-1</p> <p data-bbox="359 813 968 883">Page 118 Please expand this map to include OU-11. See example of map modification with notations. Mineral Rights – include the West Spray Field OU-11 area</p> <p data-bbox="142 906 205 927">23-2</p> <p data-bbox="359 906 1010 971">Page 119 Water Rights - The Smart Reservoir system includes both ponds D-1 & D-2, and the ponds work in tandem. They are know by us as the upper and lower Church Ponds.</p> <p data-bbox="359 992 768 1013">As I continue to review I will make more comments.</p> <p data-bbox="359 1040 506 1062">Very truly yours,</p> <p data-bbox="359 1084 516 1105">CHURCH RANCH</p> <p data-bbox="359 1170 506 1192">Charles C. McKay</p> <p data-bbox="359 1214 443 1235">CCM/krm</p> <p data-bbox="359 1263 558 1321">cc: Gregg Bradbury Perry McKay Bruce Nickerson</p> | <p data-bbox="1230 342 1944 428">23-1. Figure 19 and the discussion in Section 3.8 of the FEIS have been revised to reflect the approval of the West Spray Field mining permit.</p> <p data-bbox="1230 451 1619 472">23-2. Thank you for your comment.</p> |

| Comment # | Letter #23 continued | Response |
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| 23-3 | <div data-bbox="373 256 1102 462" data-label="Image"> </div> <p data-bbox="342 462 451 483">April 22, 2004</p> <p data-bbox="342 521 617 646">Laurie Shannon Planning Team Leader Rocky Flats National Wildlife Refuge US Fish and Wildlife Service Rocky Mtn. Arsenal, Building 121 Commerce City, CO 80022</p> <p data-bbox="342 662 470 683">RE: CCP/EIS</p> <p data-bbox="342 704 436 725">Dear Laurie:</p> <p data-bbox="342 747 1043 816">Thank you for your work on the CCP/EIS. We support Plan B as outlined in the draft EIS for the Rocky Flats National Wildlife Refuge since this land is owned by the tax payers, there should be public trail access to the property.</p> <p data-bbox="342 833 470 854">Yours very truly,</p> <p data-bbox="388 820 483 917"><i>Charles McKay</i></p> <p data-bbox="342 914 457 935">Charles McKay</p> <p data-bbox="342 956 420 977">CCM/krm</p> <p data-bbox="342 998 420 1019">enclosure</p> | 23-3. Thank you for your comment. |

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| | <div data-bbox="373 256 1024 462" data-label="Image"> </div> <p data-bbox="373 462 520 487">February 20, 2004</p> <p data-bbox="373 527 630 633">Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mtn Arsenal Building 121 Commerce City CO 80022</p> <p data-bbox="373 657 598 682">RE: Rocky Flats CCP/EIS</p> <p data-bbox="373 706 472 730">Dear Laurie:</p> <p data-bbox="142 747 1024 812">23-4 As a neighboring landowner I would like to request a copy of the Rocky Flats CCP/EIS when it becomes available. After I reviewed your planning update I agree with the service identification of Alternate B with a moderate level of public use.</p> <p data-bbox="142 836 1024 885">23-5 Please do not remove interior truck trails as they will be needed to access private water rights, points of diversion, head gates, etc..</p> <p data-bbox="373 901 514 925">Very truly yours,</p> <p data-bbox="373 941 525 966">CHURCH RANCH</p> <p data-bbox="373 974 514 1055">  Charles C. McKay </p> <p data-bbox="373 1071 451 1096">CCM/krm</p> <div data-bbox="850 470 1060 665" data-label="Image"> </div> | <p data-bbox="1228 211 1627 243">23-4. Thank you for your comments.</p> <p data-bbox="1228 259 1963 381">23-5. The proposed access roads have been designed to provide reasonable access to ditches, utility easements, and other private property rights on the Refuge. The Service would work with Church Ranch to ensure reasonable access to those facilities.</p> |

| Comment # | Letter #24 | Response |
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| | <div style="text-align: right;">   </div> <p>April 22, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal Bldg. 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>24-1 The Colorado Wildlife Federation has reviewed the draft Comprehensive Conservation Plan & Environmental Statement for the Rocky Flats National Wildlife Refuge. Congratulations on a well-written, comprehensive document.</p> <p>24-2 The CWF strongly endorses the Proposed Action (Alternative B – Wildlife, Habitat, and Public Use), which covers these three important goals: “Implement extensive habitat and wildlife management and conservation focused on the restoration to pre-settlement conditions. Accommodate wildlife-dependent public use. Facilitate compatible scientific research that focuses on habitats, wildlife, and public use.”</p> <p>24-3 The proposed practices that we endorse include (a) using a variety of management techniques (including prescribed fire and grazing) to restore disturbed areas, (b) conserving native plant communities and wildlife (including re-introduction of native fish and sharp-tailed grouse), (c) reducing coverage of invasive weeds, (d) using a graduated approach to allowing various public uses (e.g., hiking, biking, horse riding), (e) teaching environmental education to high school and college students, (f) using partnerships to address habitat conservation across boundaries, (g) implementing a volunteer program to assist refuge staff, (h) maintaining stock fences, and (i) instituting a organized youth/disabled hunting program.</p> <p>24-4 We think the hunting program is particularly important to institute as a management tool because we already have situations on the Front Range (e.g., Rocky Mountain National Park and Rocky Mountain Arsenal NWR) where the deer and elk populations are too high. The result has been habitat destruction for themselves and other wildlife. As we have learned at the Arsenal, non-hunting forms of control are expensive, management intensive, and often ineffective. Furthermore, we promote increasing opportunities for youth to learn how to hunt under a managed situation. Most youth, especially in urban environments, are not learning about this important heritage and the enjoyment of being outdoors and participating in ethical chase. In addition, there is a real need to increase opportunities for disabled who like to hunt.</p> <hr/> <p>445 Union Blvd., Suite 302, Lakewood, Colorado 80228 (303) 987-0400 Fax (303) 987-0200 www.coloradowildlife.org • E-Mail cwfed@coloradowildlife.org</p> | <p>24-1. Thank you for your comments.</p> <p>24-2. Thank you for your comments.</p> <p>24-3. Thank you for your comments.</p> <p>24-4. The Service agrees that public hunting would be a safe and positive form of wildlife dependent recreation on the Refuge, and would complement other tools for managing ungulate populations. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation. The Final CCP/EIS has been revised to propose only archery and shotguns for deer/elk hunting. The proposal to allow the use of muzzle-loading rifles has been removed in consideration of safety comments received during the public review of the Draft CCP/EIS.</p> |

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| 24-5 | <p>We suggest that the objective of <u>reducing coverage</u> of invasive weeds be changed to <u>elimination</u> of invasive weeds. These species pose one of the biggest threats to wildlife habitat in our country. The Refuges Program has an obligation to set a standard for other public land managers, such as the managers of the Corps' reservoirs in Denver, city and county open space, BLM lands, and forests. The goal should be elimination even if it is practically impossible to reach without spending a lot of money.</p> | <p>24-5. Noxious weed infestations at Rocky Flats are among the greatest natural resource concerns on the site. The Service supports that philosophical goal of eliminating weeds at Rocky Flats during the 15-year life of the CCP. However, one of the Service's guidelines for writing management objectives is that the objectives are achievable. To that end, the Service believes that an incremental approach to weed reduction resulting in a 60 percent total reduction in 15 years would be achievable, and would have significant ecological benefits.</p> |
| 24-6 | <p>Your report recognizes the potential impact of mining in the headwaters of the drainages on the refuge lands. Such recognition does not go far enough. As we discussed in correspondence to the Congressional delegation from this state before the refuge authorizing language was passed, the Department of Energy needs to support a special appropriation for acquisition of the mining rights on this property as part of the costs of closing the facility and turning it over to the USFWS. Why should the USFWS be burdened with this problem? Please substantiate this funding need in the final documents.</p> | <p>24-6. The Service agrees that potential additional surface mining on Refuge land in the headwaters of the Refuge streams would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. As the DEIS and FEIS discusses under Mineral Rights of Section 3.8, the Service will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p> |
| 24-7 | <p>We were pleased to see research emphasized because it is key to adaptive management. For example, monitoring your efforts to protect and improve riparian habitat for the Preble's Meadow Jumping Mouse is important. While it isn't clearly spelled out in the report, we assume such monitoring will include hydrological studies. Determining effects in changes in hydrology for the mouse as well as the Ute Ladies'-Tresses could also provide important information for recovery efforts elsewhere and help evaluate effects of future mining.</p> | <p>24-7. If funding becomes available, the Service is interested in pursuing research and monitoring related to potential hydrological changes related to ongoing mining activities at Rocky Flats.</p> |
| 24-8 | <p>Another hydrological aspect that needs to be considered is maintaining a sufficient number of the existing monitoring wells. Because groundwater can move slowly, future monitoring will be important to ensure that cleanup operations were successful and to collect baseline data before additional mining is begun on the bench in the headwater area.</p> | <p>24-8. As part of the DOE's long-term stewardship responsibilities, all monitoring equipment, including groundwater monitoring wells, will remain in place. This applies to wells throughout the lands that will become the Refuge, in addition to the DOE retained area.</p> |
| 24-9 | <p>We recognize that during the Rocky Flats clean up the U.S. Fish and Wildlife Service is in a position far different than its role in the Rocky Mountain Arsenal clean-up. With respect to the Arsenal, the Service was privy to the progression of projects and conferred regularly with the Army and Shell Oil Company. At Rocky Flats, the Service should be assured that it possesses adequate information to assess the risk to human health in the buffer zone before making decisions on public use. This is just one reason why we stated above that we support continued research and a graduated approach to allowing access.</p> | <p>24-9. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed cleanup and closure. The Service is not a decision-maker in matters regarding cleanup.</p> |
| 24-10 | <p>Thank you for the opportunity to comment. If you have questions about this letter, please contact Dennis Buechler, Emeritus Board Member and former Chair, at (303) 627-0997 or at his email address: wetlandsandwater@comcast.net.</p> <p style="text-align: center;">Sincerely,  Wayne East Executive Director</p> <p style="text-align: center;">2</p> | <p>24-10. Thank you for your comment.</p> |

| Comment # | Letter #25 | Response |
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| |  <p data-bbox="386 228 663 334"> THE LEAGUE OF WOMEN VOTERS JEFFERSON COUNTY, COLORADO </p> <p data-bbox="312 407 422 427">April 8, 2004</p> <p data-bbox="312 451 686 561"> Mr. Dean Rundle Refuge Manager, Division of Refuge Planning Region 6, Fish and Wildlife Service Box 25486, Denver Federal Center Denver, CO 80225-0486 </p> <p data-bbox="312 610 455 630">Dear Mr. Rundle,</p> <p data-bbox="142 686 1087 764"> 25-1 The Jefferson County League of Women Voters has had a long interest in the Rocky Flats Clean-up Process. We have a strong position on Environmental Planning and Management. Having attended the recent hearings on the DRAFT Comprehensive Conservation Plan and Environmental Impact Statement, we wish to comment on the proposed alternatives for the wildlife refuge. </p> <p data-bbox="142 792 1075 878"> 25-2 There remains a great deal of concern about the safety of the site. The refuge should not be opened to the public until extensive and thorough monitoring of air, water, soil, vegetation, and animals has taken place over a length of time. Consistent, negative results are needed for some time before people can use the site. </p> <p data-bbox="142 906 1087 1036"> 25-3 Access to the DOE industrial area is another real concern and careful planning needs to be of the highest priority if Alternatives B or D are chosen and this area remains unfenced. Responsible use of the refuge will be absolutely essential. Therefore, good trail placement and signage must be carefully considered. In addition, the public must be informed. Full use of the media in this regard is important. A Visitor's Center for Alternative B as well as D is important so that visitors can be informed and kept out of the DOE industrial area. </p> <p data-bbox="142 1063 1094 1174"> 25-4 Our understanding is that a private firm owns the mineral rights to about 1/4 of the acreage at Rocky Flats. This is unfortunate, and although we know that the Service cannot change that, it is our hope that the U.S. Government will be able to purchase the mineral rights so that that land might be usable by the public in the future. Thank you for giving us the opportunity to participate in this very important process. </p> <p data-bbox="312 1198 401 1218">Sincerely,</p> <p data-bbox="312 1242 527 1279">  </p> <p data-bbox="312 1291 667 1333"> Flodie Anderson, President Jefferson County League of Women Voters </p> <p data-bbox="268 1409 1129 1435"> 1425 Brentwood Street, Suite 7, Lakewood, CO 80214 ♦ 303/238-0032 ♦ www.lwvjeffco.org </p> | <p data-bbox="1226 305 1629 331">25-1. Thank you for your comments.</p> <p data-bbox="1226 354 1955 467"> 25-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed a cleanup and closure. The FEIS includes additional discussion of cleanup-related issues in Section 1.8. </p> <p data-bbox="1226 490 1976 912"> 25-3. All public use would be managed though a combination of signage, education, and law enforcement. These methods have proven to be effective at other Refuges and in many open space areas. In the DEIS, the Service recommended that the demarcation of the DOE retained area be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS was revised to indicate that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands would be closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. </p> <p data-bbox="1226 935 1976 1172"> 25-4. The Service believes that surface mining of Refuge land would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRS. As the DEIS and FEIS discusses under Mineral Rights of Section 3.8, the Service will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands. </p> |

| Comment # | Letter #26 | Response |
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| <p>26-1</p> <p>26-2</p> <p>26-3</p> |  <p>NATIONAL WILDLIFE FEDERATION® <i>People and Nature: Our Future Is in the Balance</i> Rocky Mountain Natural Resource Center www.nwf.org*</p> <p>April 26, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon, Planning Team Leader United States Fish & Wildlife Service Rocky Mountain Arsenal, Building 121 Commerce City, CO 80022</p> <p>Subject: Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge</p> <p>Dear Ms. Shannon:</p> <p>The National Wildlife Federation (NWF) respectfully submits our comments on the Draft Comprehensive Conservation Plan & Environmental Impact Statement for Rocky Flats National Wildlife Refuge.</p> <p>As the nation's largest member-supported conservation education organization, the National Wildlife Federation unites people from all walks of life to protect nature, wildlife, and the world we all share. NWF has educated and inspired families to uphold America's conservation tradition since 1936. Our common sense approach to environmental protection brings individuals, organizations, and governmental agencies together to ensure a brighter future for people and wildlife.</p> <p>The NWF strongly favors Alternative B – <i>Wildlife, Habitat, & Public Use</i> (Proposed Action). We agree with the approach of emphasizing both wildlife and habitat conservation along with a moderate level of wildlife-dependent public use. We are especially pleased that the Plan addresses efforts to restore xeric tallgrass prairie, the removal and restoration of 25 miles of roads, and the restoration of riparian areas.</p> <p>However, we do have some comments relating to the proposed action. We will present these comments below:</p> <p>Wildlife and Habitat:</p> <p>Concerning the management of the Preble's meadow jumping mouse and its habitat, we encourage you to consider not putting trails within Preble's habitat.</p> <p>We would encourage you to accelerate the schedule for restoration of the xeric tallgrass prairie. We would request that Objective 1.2 be revised to read, "Maintain the total number of native species to be at least 100 percent of the . . . plant species . . . in the tallgrass community. . . ."</p> <p>2260 Baseline Road, Suite 100, Boulder, CO 80302 Tel: 303-786-8001</p> | <p>26-1. Thank you for your comments.</p> <p>26-2. The proposed trails were carefully planned to avoid impacts to Preble's habitat. To that end, all of the proposed trails within Preble's habitat would use existing roads and road crossings, and most would be subject to seasonal closures to protect the mouse. The Service believes that these measures, coupled with Preble's habitat restoration, would not adversely affect the species.</p> <p>26-3. The Service supports the philosophical goal of managing for 100 percent native species composition in the xeric tallgrass communities during the 15-year life of the CCP. However, one of the Service's guidelines for writing management objectives is that the objectives are achievable. To that end, the Service believes that an incremental approach to weed reduction and xeric tallgrass management resulting in a 80 percent native species composition in 15 years would be achievable, and would have significant ecological benefits.</p> |

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| | <p>Rocky Flats National Wildlife Refuge April 25, 2004 Page 2</p> | |
| 26-4 | <p>The map for Alternative B does not clearly identify the area for restoration of the mixed grassland prairie. Is the area identified as the disturbed area the area for restoration?</p> | <p>26-4. The area identified as “disturbed area” in the DEIS maps would be restored to mixed grassland prairie. The maps in the FEIS have been revised.</p> |
| 26-5 | <p>We are encouraged by the efforts to restore and revegetate roads. The Plan states these will be restored within the life of the CCP, but does not indicate if these roads will be closed in the first year. We encourage you to close these roads immediately to avoid them being used by Refuge staff and the public, which will make them more difficult to close later.</p> | <p>26-5. With the exception of the main access road, none of the roads would be accessible to the public for motorized vehicle use. Some existing roads would be converted for use by the public as pedestrian or non-motorized multi-use trails. Objective 2.2 – <i>Public Access</i> has been revised to clarify this point. Other roads that would be restored would be closed as soon as possible, but may not be closed immediately following Refuge establishment due to funding constraints.</p> |
| 26-6 | <p>Concerning weed management, we recognize the need for using all methods listed in the CCP. However, we are concerned about the use of grazing by goats and especially cattle. Our prime concern is the impacts these animals can have on riparian areas. Also, it would be important that these animals be quarantined prior to entering the Refuge to prevent the introduction of additional noxious weeds.</p> | <p>26-6. Besides grazing prescriptions as part of an Integrated Pest Management (IPM) program, intense, short-rotation cattle grazing may be prescribed to restore natural ecological processes. In that instance, cattle would be used to emulate the bison grazing to restore the natural disturbance regime required by a healthy grassland. The Service anticipates that grazing programs would require a system of temporary electric fences to manage livestock, including exclusion of cattle from Preble’s habitat, riparian areas, and other sensitive habitats such as tall upland shrubland communities. Grazing programs will be designed and managed to minimize the introduction of additional weeds to the Refuge. Specific strategies would be outlined in a step-down IPM plan.</p> |
| 26-7 | <p>As you note, the black-tailed prairie dog is a controversial species on the forefront of conservation in the United States. Since the population in the Refuge has been so drastically reduced by plague, we do not agree that prairie dogs should be controlled to facilitate human recreation. We believe that the USFWS mandate for “wildlife first” should be followed.</p> | <p>26-7. The primary purpose of plague control on the Refuge would be for the protection of human safety and prairie dog populations. The language of Objective 1.7 – <i>Prairie Dog Management</i> has been revised to clarify those priorities. The Service does not propose to control prairie dogs to facilitate recreation. However, the Service will manage prairie dogs to facilitate resource conservation and maintain the protectiveness of cleanup facilities. The black-tailed prairie dog is a short-grass prairie species. It would be unnatural and detrimental to native ecosystems to encourage or allow prairie dog colonization of sensitive plant communities such as the xeric tallgrass community or riparian areas. Although the Service will not be responsible for management of DOE retained lands, the Service will work with DOE to reduce the potential for prairie dogs and other burrowing animals to invade and compromise the remedy by burrowing in DOE areas of residual subsurface contamination.</p> |
| 26-8 | <p>We are encouraged by the proposed action including the reintroduction of species including the sharp-tailed grouse, northern redbelly dace, and common shiner. We would encourage you to consider working cooperatively with the Colorado Division of Wildlife (CDOW) to reintroduce pronghorn to the Refuge.</p> | <p>26-8. The Service consulted with CDOW in preparation of the Draft CCP/EIS and discussed the issue of pronghorn reintroduction. At this time, CDOW is not in favor of pronghorn reintroduction at Rocky</p> |
| 26-9 | <p>We support the removal of interior stock fencing for facilitating wildlife movement within the Refuge. However, since the perimeter of the Refuge is currently fenced, the USFWS should explore ways to mitigate the impacts the fences have on the movement of wildlife. Also, if Highway 93 is improved and/or expanded, the USFWS should work with the Department of Transportation to install wildlife crossings to decrease wildlife/human conflicts. We feel this is extremely important in light of the fact that elk currently cross Highway 93 and the installation of wildlife underpasses or overpasses would greatly minimize wildlife related accidents and improve public safety.</p> | |
| 26-10 | <p>Public Use, Education and Interpretation</p> <p>We support your plan for a limited youth and/or disabled hunting program on the Refuge. Hunting is an important management tool which will aid in the population dynamics of the mule deer herd.</p> | |
| 26-11 | <p>Because of the history of the site, we recommend the USFWS moving cautiously with opening the Refuge to public use and should only be opened when reasonable assurance that post-cleanup soil levels meet standards set to ensure public safety on the property.</p> | |

Flats due to a lack of sufficient unfragmented habitat and proximity to highways and urbanized areas. The Service defers to CDOW in this matter and will not consider pronghorn reintroduction without the cooperation of CDOW.

| Comment # | Letter #26 continued | Response |
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| <p>26-12</p> <p>26-13</p> <p>26-14</p> <p>26-15</p> | <p>Rocky Flats National Wildlife Refuge April 25, 2004 Page 3</p> <p>We would discourage the use horses in the Refuge as they would be a potential source for the spread of noxious weeds.</p> <p>Working with Others</p> <p>We are encouraged by the Refuge's desire to work closely with Jefferson County, City of Boulder, Boulder County, City and County of Broomfield, City of Westminster, Town of Superior, City of Arvada and CDOW to coordinate habitat management and resource conservation strategies. The Refuge should seek formal agreements with these entities to work efficiently and cost effectively on such issues as noxious weeds and other resource management issues that cross Refuge boundaries.</p> <p>Research</p> <p>We support your approach of advancing knowledge about the resources of the Refuge through research. We encourage the Refuge to establish cooperative working relationships with universities and other resource agencies, such as CDOW and USGS.</p> <p>Thank you for this opportunity to comment. If you have questions about this letter, please contact Dyanne Singler, Land Stewardship Manager, at 303/786-8001 x23 or singler@nwf.org.</p> <p>Sincerely,</p>  <p>Stephen C. Torbit, Ph.D. Center Director & Senior Scientist</p> | <p>26-9. The Service believes that the existing barbed-wire boundary fence, which is proposed for all alternatives, would not pose a barrier to the movement of wildlife. With regard to nearby transportation improvements, Section 4.16 includes an expanded discussion that outlines the Service's potential concerns that the Service would have related to any transportation improvements along Indiana Street, Highway 128, and Highway 93, and recommendations for mitigating potential impacts.</p> <p>26-10. Thank you for your comment.</p> <p>26-11. The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have indicated that all activities proposed in the CCP would be safe (Appendix D). However, the Service also acknowledges the concerns of many members of the public regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, an additional discussion of contamination issues has been added in Section 1.8.</p> <p>26-12. While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement within the scientific and recreation communities on that point. Recognizing this uncertainty, the Service proposes to allow limited equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).</p> <p>26-13. The Service would support opportunities to collaborate with other jurisdictions in matters regarding regional resource management issues.</p> <p>26-14. The Service is looking forward to working with researchers from a variety of organizations to advancing our knowledge of refuge resources.</p> <p>26-15. Thank you for your comments.</p> |

| Comment # | Letter #27 | Response |
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| <p>27-1</p> <p>27-2</p> <p>27-3</p> <p>27-4</p> <p>27-5</p> | <p>April 26, 2004</p> <p>Laurie Shannon, Planning Team Leader CCP/EIS, US Fish & Wildlife Service Rocky Mtn Arsenal, Bldg 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>Several PLAN Jeffco members are actively following the plans for a wildlife refuge at Rocky Flats, and PLAN Jeffco has long supported preservation of the native prairies in the Rocky Flats area. PLAN Jeffco is a citizen organization established in 1971 to create the Jefferson Co. Open Space system; we continue to serve in an oversight capacity, working with the Open Space staff and others to provide citizen review of plans, acquisitions, and other issues. We are pleased to provide the following general comments on some aspects of the alternatives proposed. At the end, we have indicated which alternative(s) we support for each Refuge goal (table attached).</p> <p>First, we would like to establish clearly that when we refer to "Rocky Flats" throughout this letter, we are referring to the buffer zone areas that are to be included in the Refuge, and NOT to the contaminated plant site that will be retained in DOE ownership. We certainly would not support any public use of the latter area, and urge that you take any steps necessary to preclude public use, even by accident. We understand that this falls into DOE jurisdiction at this time, and fully expect that USFWS will ensure that any lands made accessible are safe for the public. Our comments further rely on your statements that USFWS will not take control of the areas to be included in the Refuge until EPA deems the cleanup complete on those lands. While the primary responsibility for public safety rests with EPA and DOE, the Service will also have to ensure itself that it is safe to proceed with the plans for the Refuge.</p> <p>As a general comment, we'd like to mention that Open Space has found it valuable, when establishing a new park or acquiring a new area, to clarify the primary use(s) for which an area is intended. Some sites are protected with an eye to maintaining their values as natural areas, while others are intended for development of recreational facilities, including creating ballparks and building recreation centers. We believe the evidence of the last several years (Colorado Natural Heritage Program report, 1993; Rock Creek Reserve establishment documents; Grassland studies reports by David Buckner, ESCO Assoc.) has shown the incredible value of the Rocky Flats area as an ecosystem connector, wildlife corridor, and a significant remnant native prairie with important wildlife habitat. We note that you have strongly stated that these natural values are central to the significance and purpose of the new refuge (DEIS, p 3), as noted in your "Wildlife First" interpretive theme as well, and urge that these statements be established as a legal mandate for management of the property. If these are to be the core purpose and value of the Refuge, we believe that intensive or uncontrolled recreational use, as proposed in Alternative D, is not supportable. As detailed below, we support elements of Alternatives A, B and C that allow limited use while ensuring adequate protection for all ecosystem components.</p> <p>Recreational use</p> <p>We do believe that <i>very limited</i> recreational use, in the buffer zone only, could be appropriate if properly managed. Large areas of native grassland and the riparian drainages on the western part of the buffer zone have not been subject to plowing or other soil disturbance and thus are unlikely to represent a health risk to the public. Any areas that are questionable as to contamination should, of course, be restricted completely; we believe adequate fencing is necessary to restrict public access to the non-Refuge (DOE maintained) areas.</p> <p>Very limited peripheral trails, especially through trails, are acceptable as connectors with regional trail systems. Trails should be, as proposed, along existing roads or other access routes, avoiding additional ground disturbance, and as close as possible to the north and south boundaries. We think that the trail density and open use allowed under Alternative B is excessive: we strongly recommend that there be no "off-road" area, and that unguided public access be allowed only on the through trails, e.g., on the north and south sides of the area. Soil disturbance, such as that caused by off-trail use or additional trail construction, could mobilize any contaminants that may be present, and thus should be avoided.</p> | <p>27-1. Thank you for your comments.</p> <p>27-2. The Service agrees with your assumptions.</p> <p>27-3. The purposes of the Refuge and the priorities by which it should be managed are established in the Rocky Flats National Wildlife Refuge Act of 2001 (Appendix A), and the National Wildlife Refuge Improvement Act of 1997. This policy guidance is described in section 1.1. The Service designed all alternatives, including Alternative D, to fulfill the letter and intent of those policies. The Service disagrees with the assessment that Alternative D provides either "intensive or uncontrolled" recreational use. While the impacts of recreational use would be greater in Alternative D, they are still compatible with the Refuge purposes and goals. Additional analysis (Table 14) has shown that the length of trail per acre in Alternative D would be lower than other nearby open space facilities.</p> <p>27-4. The EPA and CDPHE have indicated that all of the lands that will become the Refuge would be safe for all of the proposed Refuge management activities, including public use. To minimize the impacts of public use on native grassland, riparian areas, and other sensitive natural resources, most of the trails would be converted from existing roads.</p> <p>With regard to the delineation of the DOE retained area, the Service recommended in the DEIS that the demarcation be "seamless" with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS elaborates that the Service believes that a barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> <p>27-5. The Service agrees that the re-use of existing roads would provide an opportunity to avoid additional ground disturbance. To that end, 72 % of the proposed trails would be converted from existing roads. The Service believes that the proposed trail locations and density of Alternative B would best balance habitat preservation and public use, and does not agree that the trail density would be</p> |

| Comment # | Letter #27 continued | Response |
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| 27-6 | <p>There are two other reasons why we believe vehicular use (even bicycles) and off-trail use should be prohibited on the Refuge. The first is that all too often, smaller forms of wildlife tend to be neglected in management plans. Insects, spiders, snakes, lizards, salamanders, and even small mammals are important ecosystem components on these prairies. The presence of ground-nesting birds and a variety of other wildlife means that off-trail use, especially by bicycles and motorized vehicles, will be extremely disruptive of wildlife—and of the vegetation on which all wildlife depends. An "off-road" area is a sacrifice area, incompatible with the purpose of a Refuge protecting wildlife and prairie. The "charismatic megafauna" always gets full consideration; let's not forget the equally valuable, but often overlooked, microfauna.</p> | <p>"excessive." As shown in Table 14, the trail density in Alternative B would be similar to, or less than other nearby open space areas including Jefferson County's White Ranch Park and the City of Boulder's Mesa/South Boulder Creek open space area.</p> |
| 27-7 | <p>The second is that proliferation of access trails fragments habitats and increases the spread of noxious weeds. For the latter reason, we also question the potential use by horses. Horses are great at disseminating weeds, which pass undigested through their systems. There are many other areas of Open Space in the region where horses are allowed. It seems unnecessary to make the Refuge accessible also. The potential for damage from off-trail use by horses and bicycles is high, especially as level grasslands offer ready temptation to explore off the trails. Trails need to be monitored for weed invasion in any event, and any tendency for social footpaths and bikepaths to develop should be discouraged. The best way to prevent such excursions is to ensure that only guided trips are allowed beyond the peripheral trails, with strict signage—and enforcement—prohibiting off-trail activities.</p> | <p>With regard to seasonal off-trail use, the Service believes that the potential localized impacts of off-trail use would be minor and would not adversely affect vegetation communities or wildlife. In regard to specific concerns about residual contamination, the EPA and CDPHE have indicated that any proposed public uses, including off-trail use, would be safe (Appendix D). In addition, the proposed off-trail use areas (Figure 23) are outside of the DOE retained area and other areas of residual soil contamination (Figure 4).</p> |
| | <p>Protection of grasslands and other sensitive areas</p> | |
| 27-8 | <p>We support the public access strategy outlined in Alternative C, that is guided tours only and limited facilities placed only in previously disturbed areas. We do not support development of a public trail in the Rock Creek drainage or to the Lindsay Ranch area. We believe public use in sensitive areas, such as the historic ranch buildings and the ecologically important Rock Creek drainage, should not be encouraged, except on guided trips where visitors can be closely monitored by Refuge staff. The Nature Conservancy has long restricted access to its sites in this way, with the concept that the ecosystem is primary and public use is secondary, as your statement of significance and purpose suggests. This is a good way to ensure that historical groups, birders, botanists, ecologists, biologists, geologists, and others with an interest, professional or general, can be allowed to see or study these areas. This would have to be accomplished while ensuring that the natural values of the Refuge are protected and unmonitored access and potential disturbance do not occur.</p> | <p>27-6. With the exception of Service access for resource management purposes, motorized vehicles would not be permitted on any Refuge trails in any alternative. Objective 2.2 – <i>Public Access</i> has been revised to clarify that point. Off-trail use would be limited to pedestrian access only, on a seasonal basis, as to avoid disturbance to ground-nesting birds and other wildlife species. With these restrictions, the Service does not agree that the off-trail use area would be a "sacrifice area," but rather it would provide a reasonable opportunity for amateur naturalists, wildlife photographers, and others to access their subjects and would be compatible with the purposes of the Refuge and the NWRS.</p> |
| 27-9 | <p>Although we consider the native grasslands of critical importance here, we do not support returning the entire site to "pre-settlement" condition. The historical record will not be served by removal of certain remnants of long-ago occupancy, such as the surviving apple trees. In keeping with your interpretive theme of historic use, some evidence should remain. Restoration needs to be carefully and selectively applied, with an emphasis on preventing further degradation. That is, focus on control of knapweed, smooth brome, and noxious weeds—a critical need—before undertaking massive revegetation to pre-settlement condition.</p> | |
| 27-10 | <p>High trail density, in addition to improving weed migration, will increase the potential for wildlife disturbance by bringing more trail users in conflict with wildlife and provoking more frequent flight reactions. Again, if this large, relatively undisturbed ecosystem and corridor is to be protected intact, we should focus primarily on managing the visitors to ensure the goals of the Refuge are met!</p> | <p>The Service agrees that insects, reptiles, and other "microfauna" are often underrepresented in management plans. In consideration of these and other species, the Service has taken the approach that the conservation and restoration of native habitat communities on the Refuge would benefit the native species that depend on them, including microfauna. While such species were considered in the impacts analysis, the text relating to "smaller species" on page 157 has been revised to be inclusive of all microfauna.</p> |
| 27-11 | <p>Weed management and prescribed fire</p> <p>Prescribed fire is an important management tool. It helps maintain native prairies in good condition. The buffer zone grasslands, due to decades of protection from grazing, have major buildups of plant litter that are choking out the very native prairie the Refuge is established to protect. These areas are long overdue for prescribed fire or other appropriate management. EPA has indicated that, based on results of the test burn in 2000, they foresee no need to restrict the use of prescribed fire. We agree that such controlled fires pose little or no hazard to the public, especially noting that the native grasslands of primary interest and management need are west (upwind) of the contaminated areas. We support the use of fire as a management tool. Proper timing of fire can also help suppress cool-season introduced species where appropriate.</p> | |
| 27-12 | <p>Likewise, dormant season grazing has been shown to help maintain the native warm-season grasslands at Rocky Flats. We support limited, carefully monitored, grazing for management purposes where the goal is to improve the overall health of</p> | <p>27-7. As explained in response to comment 27-6, off-trail access would be open for pedestrian use only. Under existing conditions, there are about 55 miles of roads in the area that would become the Refuge. In Alternative B, about 25 miles of roads would be revegetated, while another 15 miles of roads would be converted and reduced in width to trails. The length of newly constructed trails would be about 1.5 miles. While the Service agrees that trails can</p> |

| Comment # | Letter #27 continued | Response | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 27-13 | <p>the ecosystem. The amount of forage removed and the season of grazing should be monitored to ensure that adequate mass is left to sustain the production and reproduction of native vegetation. Grazing should be restricted in the summer and fall when warm-season grasses are actively growing and producing seed, and used to help control expansion of introduced cool-season grasses, such as Canada bluegrass (<i>Poa compressa</i>), at the expense of native warm-season species. Heavier grazing in the early spring months will help reduce competition from the more undesirable species.</p> <p>In summary, we appreciate and support your focus on the overriding interest here—that of preserving an incredible complex of grassland communities and native wildlife species in a wildlife refuge setting. We endorse the management tools necessary to accomplish this in the face of pressure for increased public use. Fire, grazing, and other weed control techniques will be imperative, but limiting public use will also be a substantial challenge. Because this special ecosystem needs to be an exception to the heavily used parks we see elsewhere, we recommend that "people management" be your primary tool for maintaining the Refuge as, indeed, a REFUGE—for wildlife of all kinds, and for plant species and grassland communities that rarely occur elsewhere, and thus must be preserved here.</p> <p>Thank you for your consideration of our comments. Please contact Sally White (sally_white@msn.com) if you have questions or need clarification.</p> <p>Sincerely,</p> <p>John Litz, Vice-President</p> <p style="text-align: center;">Summary Table of Plan Jeffco Recommendations</p> <table border="1" data-bbox="254 771 1215 1315"> <thead> <tr> <th data-bbox="254 771 598 795">Objective:</th> <th data-bbox="602 771 1215 795">We support strategies as in</th> </tr> </thead> <tbody> <tr><td>Preble's habitat management</td><td>Alternative C</td></tr> <tr><td>Xeric Tallgrass management</td><td>Alternative B, C</td></tr> <tr><td>Mixed Grassland management</td><td>Alternative B, C</td></tr> <tr><td>Road restoration and revegetation</td><td>Alternative C</td></tr> <tr><td>Weed management</td><td>Alternative B, C</td></tr> <tr><td>Deer and Elk management</td><td>Alternative A</td></tr> <tr><td>Prairie dog management</td><td>Alternative D</td></tr> <tr><td>Species reintroduction</td><td>Alternative A</td></tr> <tr><td>Public access</td><td>Alternative A or C</td></tr> <tr><td>Interpretation</td><td>Alternative A, C</td></tr> <tr><td>Environmental education</td><td>Alternative A, C</td></tr> <tr><td>Hunting</td><td>Alternative A, C</td></tr> <tr><td>Recreation facilities</td><td>Alternative A, limited C</td></tr> <tr><td>Staff safety</td><td>Alternative A, B, C</td></tr> <tr><td>Visitor safety</td><td>Alternative A, C</td></tr> <tr><td>Conservation</td><td>Alternative B, C</td></tr> <tr><td>Research</td><td>Alternative B, C</td></tr> <tr><td>Volunteer program</td><td>Alternative A, C (no strong position on this; volunteers may be beneficial)</td></tr> <tr><td>Staffing</td><td>Alternative A</td></tr> <tr><td>Operation and Mngt facilities</td><td>Alternative A</td></tr> <tr><td>Cultural resource management</td><td>Alternative A or C</td></tr> </tbody> </table> | Objective: | We support strategies as in | Preble's habitat management | Alternative C | Xeric Tallgrass management | Alternative B, C | Mixed Grassland management | Alternative B, C | Road restoration and revegetation | Alternative C | Weed management | Alternative B, C | Deer and Elk management | Alternative A | Prairie dog management | Alternative D | Species reintroduction | Alternative A | Public access | Alternative A or C | Interpretation | Alternative A, C | Environmental education | Alternative A, C | Hunting | Alternative A, C | Recreation facilities | Alternative A, limited C | Staff safety | Alternative A, B, C | Visitor safety | Alternative A, C | Conservation | Alternative B, C | Research | Alternative B, C | Volunteer program | Alternative A, C (no strong position on this; volunteers may be beneficial) | Staffing | Alternative A | Operation and Mngt facilities | Alternative A | Cultural resource management | Alternative A or C | <p>fragment habitats, the extent of proposed trails in Alternative B would be compatible with Refuge goals, and the extensive restoration of existing roads would have a net benefit on wildlife habitat.</p> <p>In regard to noxious weed impacts, the Service recognizes that public use can increase the spread of weed species along trails. While there is common speculation that horses can contribute significantly to the spread of weeds, the Service also recognizes that there is disagreement within the scientific and recreation communities on that point. Recognizing this uncertainty, the Service would allow limited equestrian access under the conditions outlined in the Compatibility Determination (Appendix B).</p> <p>27-8. As established in the National Wildlife Refuge System Improvement Act of 1997, one of the goals of the NWRS is to provide the public with compatible, wildlife-dependent public use. When it is deemed compatible, this public use guidance applies to all members of the public, not just organized groups. The Service believes that the level of access presented in Alternative B would be compatible with the habitat protection goals of the Refuge, and would best balance resource conservation and the provision of wildlife-dependent recreation.</p> <p>27-9. With the exception of the Lindsay Ranch structures, no other historical resources would be removed under any of the alternatives. There are no structures remaining associated with the apple orchard near Woman Creek – in Alternative C the orchard would be allowed to die off over time.</p> <p>27-10. The Service believes that the proposed level of trail use would not have any significant impacts on natural resources on the Refuge. See responses to comments 27-5, -6, and -7 for more specifics.</p> <p>27-11. The Service agrees with your assessment of grassland management and prescribed fire, and appreciates your comment.</p> <p>27-12. The Service agrees with your assessment of grassland management and the utility of managed grazing, and appreciates your comment.</p> <p>27-13. Thank you for your comments.</p> |
| Objective: | We support strategies as in | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Preble's habitat management | Alternative C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Xeric Tallgrass management | Alternative B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mixed Grassland management | Alternative B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Road restoration and revegetation | Alternative C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Weed management | Alternative B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deer and Elk management | Alternative A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prairie dog management | Alternative D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Species reintroduction | Alternative A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public access | Alternative A or C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Interpretation | Alternative A, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Environmental education | Alternative A, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hunting | Alternative A, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recreation facilities | Alternative A, limited C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Staff safety | Alternative A, B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Visitor safety | Alternative A, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Conservation | Alternative B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Research | Alternative B, C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Volunteer program | Alternative A, C (no strong position on this; volunteers may be beneficial) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Staffing | Alternative A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Operation and Mngt facilities | Alternative A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cultural resource management | Alternative A or C | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Comment # | Letter #28 | Response |
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| 28-1 | <p style="text-align: center;">PRAIRIE PRESERVATION <i>Alliance</i></p> <p style="text-align: right;">RECEIVED APR 27 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 26, 2004</p> <p>Rocky Flats Refuge National Wildlife Refuge DRAFT Comprehensive Conservation Plan & Environmental Impact Statement Laurie Shannon, Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal - Building 121 Commerce City, CO 80022</p> <p>Re: DRAFT Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>Dear Ms. Shannon:</p> <p>Thank you for accepting these comments on behalf of the members and affiliates of Prairie Preservation Alliance (PPA). We sincerely appreciate the opportunity to provide the U.S. Fish and Wildlife Service (FWS) with our concerns during this public process. We feel that the scope of the Comprehensive Conservation Plan & Environmental Impact Statement (EIS) is incapable of achieving this step of the process without more complete information concerning the cleanup of the Refuge. Regardless, we offer the following ideas and input.</p> <p style="text-align: center;">Summary</p> <p>The goal of the DRAFT Comprehensive Conservation Plan & Environmental Impact Statement (DCCP) is to "guide management of Refuge operations, habitat restoration and visitor services for the next 15 years. Guidance will be provided in the form of goals, objectives, strategies and compatibility determination." (DCCP, p. 1.) While we agree with the need to plan for the time when the Refuge will be placed under the management of the FWS, we believe it is impossible to plan to the level of detail contained in the DCCP until cleanup activities reach a point where documentation is available that clearly defines the amounts of contamination that remain and the precautions that must be taken to ensure the safety of the public.</p> <p style="text-align: center;">P.O. Box 12485 • DENVER, CO 80212-0485 • (303) 638-4672 www.prairiepreservationalliance.org</p> | <p>28-1. Thank you for your comments.</p> <p>28-2. See responses to the specific comments that follow. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed the cleanup and closure. The Service is required by the Refuge Act to complete a CCP by December 31, 2004.</p> |
| 28-2 | | |

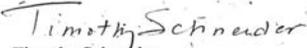
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| | <p>At this time, and with the amount of necessary information regarding the effects of the contamination that will remain after cleanup activities are completed, the alternative that is most acceptable to PPA is ALTERNATIVE C/"Ecological Restoration". The addition of Multiple Use Trails on the periphery would be acceptable, but hunting, grazing, on site interpretive programs and all other public uses must not be permitted.</p> <p style="text-align: center;">Comments</p> <p>Comments will be divided into general and specific. General comments will address Goals that are included in multiple Alternatives, and are relative to the DCCP as a whole. Specific comments will be offered for each Objective, in order to give as much structure as possible to them.</p> <p>General</p> <p><u>Cleanup.</u> Goal 3, Safety, states that the Refuge will be managed "in accordance with the final Rocky Flat's cleanup decision documents"(DCCP, p.4.) and yet those documents do not yet exist. Until they are published, we feel it is impossible to submit a plan that complies with those findings.</p> <p>28-3</p> <p>28-4 Figure 2, Comprehensive Conservation Planning Process (DCCC, p. 5.) does not include the cleanup process or the findings that will result. While we understand that the authors of the DCCP are not involved in cleanup of the area, the implications to human health and safety must be available before the planning process can proceed to the part D, the development of and analysis of reasonable alternatives. PPA strongly suggests that the planning process remain in Part C, which includes the determination of significant issues, until final cleanup documents are available. Surely the safety and health of Refuge visitors and staff must be determined and ensured before alternatives can be proffered.</p> <p>28-5 Correspondence from the Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE), and included in the DCCC, repeatedly warns the FWS to minimize or prohibit soil disturbances. (DCCC, pp. 235-238.) Until the levels of plutonium and americium can be positively stated, no activity that possibly disturbs the soil should be permitted. This would include driving, walking, horseback riding, bicycling, hunting, and scientific research—mainly all active and passive activities that can take place in the interior of the Refuge.</p> <p>28-6 <u>Public Use and Species Conservation.</u> Goal 1, Wildlife and Habitat Management, and Goal 2, Public Use, Education and Interpretation may be mutually exclusive goals. Goal 1 strives to conserve the unique mountain/prairie interface "with particular consideration given to threatened and endangered species"(DCCP, p. 4.). It is unclear what documents</p> | <p>28-3. While many of the cleanup decision documents have not been finalized, the Service has worked closely with the RFCA parties to develop a plan that is consistent with the anticipated cleanup results. The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge. Should the assumptions regarding the general nature, location, and safety of the Refuge land prove incorrect prior to the finalization of cleanup documents, the Service would revise the CCP appropriately.</p> <p>28-4. See response to comment 28-3. The Service is not a decision-maker in matters regarding cleanup, but the EPA and CDPHE have indicated that all activities proposed in the CCP would be safe. However, the Service also acknowledges concerns regarding the location and level of residual contamination on lands that will become the Refuge. For this reason, we have added an additional discussion of contamination issues in Section 1.8.</p> <p>28-5. In their 2003 letters that are included in Appendix D, the EPA and CDPHE advise the Service to minimize soil disturbances in areas with between 7 and 50 picocuries/gram of soil contamination. As shown in Figure 4, these areas are almost entirely contained within the DOE retained area, and do not contain any areas that are planned for public use, scientific research, or other Refuge management activities. Section 3.2 – <i>Geology and Soils</i> contains an expanded discussion of residual soil contamination levels.</p> <p>28-6. The Service believes that both goals can be achieved at the Refuge without compromising one another. The alternatives were developed considering the input and professional experience of Service biologists, planning team members, the Colorado Division of Wildlife, and representatives from local government agencies.</p> |

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| | <p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation, Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>and biology were used to guarantee their protection. Neighboring Boulder City and County manages thousands of acres of protected grassland. Have their management practices been tapped as a tool that may enable the Refuge to be operated in the manner that most effectively cares for the plant and animal species there?</p> | <p>28-7. A National Wildlife Refuge is not necessarily the same thing as a dictionary definition of a “refuge.” As established in the National Wildlife Refuge System Improvement Act of 1997, one of the goals of the NWRS is to provide the public with compatible, wildlife-dependent public use. Congress has determined that such uses should be provided for if they are compatible. The Service believes that the level of access presented in Alternative B would be compatible with the habitat protection goals of the Refuge, and would best balance resource conservation and the provision of wildlife-dependent recreation.</p> |
| 28-7 | <p>Refuge is defined as “safe or sheltered from pursuit, danger, or trouble.” (The New Oxford American Dictionary 2001, p. 1433.) Hunting, interior trails for hikers, bikers, and horses, scientific research, and prescribed fire do not provide for a safe or sheltered environment for the flora and fauna that do/will use the site as a refuge. If these activities are to be allowed, then we recommend the name be changed to the Rocky Flats National Recreation Area.</p> | <p>28-8. The Service disagrees with the assessment that the proposed trails and use of prescribed fire would increase, rather than decrease the threats to species extinction. The trails were carefully planned to use existing roads to the greatest extent possible, and trails in the most sensitive habitat areas would be subject to seasonal closures. In addition to using existing roads, most of the trail development includes reducing the width of the roadbed to the width of a trail (about 8 feet), and restoring the adjoining areas. Prescribed fire is widely recognized as an important tool for grassland restoration, and would be used to improve the overall health and function of grassland communities at Rocky Flats.</p> |
| 28-8 | <p>Most threatened and endangered species are in danger of becoming extinct because of loss of habitat and consumptive use. By allowing trails, prescribed fire, and consumptive uses in the Refuge, additional habitat is made unavailable to those who seek refuge there—increasing, rather than decreasing the threats to extinction. Allowing for the natural return to a balanced ecosystem will create a healthier, more fully functional prairie preserve. Wildlife would then remain for the enjoyment of those wishing to view or photograph them from the periphery.</p> | <p>28-9. See responses to comments 28-6 and 28-7. In addition, the Service believes that the limited hunting program in Alternatives B and D are unlikely to affect wildlife viewing opportunities.</p> |
| 28-9 | <p><u>Vision.</u> The vision for the Refuge is laudable. We agree that it can provide “opportunities to appreciate the Refuge resources in an urbanized area through compatible wildlife-dependent public uses and education” (DCCP, p. 4.). PPA recommends the use of the 2001 U.S. Fish and Wildlife Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation to strengthen the vision. The survey found that wildlife watchers spent \$38 billion, and increase of 5% over their 1996 survey. On the other hand, hunters spent \$21 billion, a decrease of 7% over their 1996 survey. We recommend the optimization of opportunities that allow for passive interaction with wildlife through viewing and photographic experiences. Viewing and photographing from the periphery will ensure the wildlife remains comfortable occupying all portions of the interior and also ensure that grasses are free from human disturbance and more able to proliferate.</p> | <p>28-10. See response to comments 28-3 and 28-4.</p> |
| 28-10 | <p>Passive recreation from the periphery will also increase the probability of a visit free from the effects of contamination.</p> | |

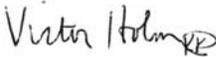
| Comment # | Letter #28 continued | Response |
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| | <p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>Specific</p> | |
| 28-11 | <p>1. Preble's Habitat Management. In the opinion of PPA, Preble's habitat management is comprehensively addressed. We agree with the objectives and strategies as presented.</p> | <p>28-11. Thank you for your comment.</p> |
| 28-12 | <p>2. Xeric Tallgrass Management. PPA disagrees with the use of prescribed fire, grazing, and other tools. Manipulative management practices have resulted in catastrophic events in the past (e.g., the Dust Bowl) simply because the results of the actions could not be foreseen. Here now is an opportunity to allow the natural forces to chart the course of events. Yellowstone National Park accepted the challenge of managing the Park without suppressing natural wildfires, prescribed fire and grazing. Although people may not agree with the non-invasive management practices used, still a rather complete range of flora and fauna is represented in the Park.</p> | <p>28-12. While most of the Refuge area has been undisturbed by human activity in the last 30 to 50 years, the combined effects of road construction, site management, adjacent mining activities, and historical grazing have left its grasslands in a distressed condition that are increasingly vulnerable to noxious weed infestations. Managed grazing, mowing, and prescribed fire are commonly accepted grassland restoration tools that, if carefully applied, would reduce noxious weeds and stimulate native plant growth. All wildfires would be suppressed, since the use of "natural fires" in an urban environment like Rocky Flats would be a greater hazard to public safety than prescribed fire would be. Adaptive management would be a critical component of any grassland management regime to ensure that any management tools would not have catastrophic effects.</p> |
| 28-13 | <p>Mowing is the agricultural equivalent to natural ungulate and rodent grazing. We recommend only natural strategies be employed to clip grasses in the Refuge. While we reluctantly agree that goats can sometimes be beneficial, we strongly disagree with the strategy of using domesticated cattle to achieve grazing. Our reasons for recommending against cattle grazing are contained in the next paragraph.</p> <p>Grazing is addressed in AGRO's Comments on BLM's Grazing Program as follows:</p> <p>Livestock grazing has degraded the West. Sheep and cattle are ubiquitous on BLM lands although they are not native and they cause profound environmental problems such as diminishment of forage required by native grazers and browsers. When that forage is gone, native wildlife's food supply and hiding places are substantially reduced. In the Southwest, cattle have been overwhelmingly implicated in the historic and continued conversion of desert grasslands to scrub. In particular, it is well documented that livestock destroy riparian areas, the lifeblood for countless species in the arid West. Livestock remove stabilizing and shading plants, promoting erosion and problems with instream flows—increasing flood events but stopping summer flow and reducing the water table. Some 80% of vertebrates in Arizona and New Mexico use riparian areas for some of their life history needs and over half of vertebrates in these states are riparian obligates. Three-quarters of wildlife across the West depend on riparian areas. Riparian areas are disappearing rapidly and as a result, the number of species in the West has also plummeted in diversity and richness. Livestock's excrement and carcasses foul water. They deposit bacteria into streams that increase nutrient</p> | <p>28-13. See response to comment 28-12. In addition, the use of grazing at Rocky Flats would be highly managed, for short periods of time, to emulate the effects of grazing by bison under which the native grasslands evolved. This type of management would not result in the types of ecological damage that is referenced in the comment.</p> |

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| <p>28-14</p> <p>28-15</p> <p>28-16</p> <p>28-17</p> | <p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>content, water turbidity, and water temperatures—all of which lead to impacts on cold-water fishes and other species. (Grazing Comments, pp. 2-3.)</p> <p>In the face of such evidence, it would be unconscionable to move forward with plans to include cattle grazing on the Refuge. Moving cattle in and out of the Refuge must surely be accompanied by the influx of noxious weed seeds, resulting in further degradation of the native landscape.</p> <p>3. Mixed Grassland Prairie Management. PPA agrees with the objectives and strategies in this section with the exception noted in 2. above, regarding prescribed fire and mowing, and the suppression of all natural wildfires.</p> <p>4. Road Restoration and Revegetation. PPA agrees with the objectives and strategies presented in this section.</p> <p>5. Weed Management. We recommend against employing the Integrated Pest Management (IPM) approach because it uses cultural and chemical tools to address a problem that was created in part by the use of these tools and is becoming an ever-increasing problem. The same cultural and chemical tools have been unsuccessful in the past and will be unsuccessful in the future in managing noxious weeds. Reverting to natural tools such as biological approaches ensures that additional chemicals and toxins are not added to those already in the soils.</p> <p>We urge the creation of a comprehensive IPM plan that includes only biological strategies along with grub and handpull. The construction of fences to catch tumbleweeds are not acceptable since they may interfere with the movement of wildlife from one side to the other.</p> <p>6. Deer and Elk Management. We disagree with the objectives and strategies presented in this section. It is unrealistic to assume the CDOW can establish target populations for deer and elk. The CDOW has been unable to protect deer and elk from chronic wasting disease, increase fawn to doe ratios in mule deer herds, accurately inventory mountain lion populations, or control coyote populations. The FWS can certainly work with the CDOW to inventory populations of all wildlife populations in the Refuge, but not for purposes of seeking their direction regarding management practices, since these methods have proven unsatisfactory in the past.</p> <p>5</p> | <p>28-14. See response to comment 28-12 and 28-13.</p> <p>28-15. Thank you for your comment.</p> <p>28-16. Due to the extent of noxious weed infestations at Rocky Flats and the effect that weeds have on native ecosystems, the Service believes it would be important to retain a full suite of pest management tools, including chemical herbicides, grazing, mowing, prescribed fire, biological controls, temporary fencing, and grubbing and handpulling. Each of these tools would be used as appropriate to reduce noxious weed infestations while minimizing adverse environmental effects. Often a combination of tools is required for weed control.</p> <p>28-17. The Service is confident in the ability of Service biologists, along with the Colorado Division of Wildlife, to establish target populations that would be appropriate for Refuge management.</p> |

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| 28-18 | <p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>Population targets are not realistic since populations fluctuate from month to month depending on conditions such as weather, disease, forage, predation, disease, etc. To attempt to see into the future may cause irreparable damage.</p> <p>Hunting as a management strategy is addressed in the general section on pages two and three above. In addition, we wish to state here that no hunting should be allowed on the Refuge. There are thousands of acres in the State of Colorado that are open to hunting of all sorts. The State can afford to create a refuge that does not allow consumptive use of the resources on this public property.</p> | <p>28-18. The Service believes that limited public hunting would be compatible with Refuge purposes and management, and that it would provide an additional management tool for deer and elk populations.</p> <p>28-19. In Alternative B, the Service proposes limiting prairie dog expansion to a threshold of 750 acres. About 10 acres of prairie dog colonies currently exist at Rocky Flats. While the Service recognizes the important role that prairie dogs play in the grassland ecosystem, it is also important to manage prairie dog populations in balance with other wildlife species and vegetation communities. A sustainable expansion of prairie dog colonies would contribute to the health and diversity of grasslands, but an overpopulation of prairie dogs across the entire Refuge would threaten the viability of other native species, as well as the rare xeric tallgrass community in the western portions of the Refuge. Alternative B would allow for a 5000% increase over the current population size, which the Service believes would be sufficient for a sustainable and dynamic prairie dog population.</p> <p>Another reason that the Service intends to restrict unlimited expansion of prairie dog colonies is due to concerns related to residual, subsurface contamination within the DOE retained area. The EPA and CDPHE have indicated that subsurface contamination does not exist in the area that will become the Refuge. However, the DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service would not be responsible for prairie dog management within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it is prudent for the Service to maintain a sustainable prairie dog population and to keep those populations away from the retained area.</p> <p>28-20. Prairie dog populations would be managed using visual barriers, on-site relocation, and other non-lethal methods.</p> <p>28-21. In Alternative D, the Service would evaluate the suitability of accepting unwanted prairie dogs from other jurisdictions. In the other alternatives, including the Proposed Action, the Service would not accept prairie dogs from off site. As discussed in the response to</p> |
| 28-19 | <p>7. Prairie Dog Management.</p> <p>The objective for prairie dog management must be increased to include the entire 2460 acres of identified habitat (DCCP, p. 21.). In this way, prairie species will enjoy the many benefits that prairie dogs provide the prairie ecosystem: food, shelter, improved soil aeration, more nutritious vegetation, etc. (John L. Hoogland, <u>The Black-Tailed Prairie Dog</u>, 1995.) Allow the black-tailed prairie dog to expand naturally into the 2460 available acres to achieve a fully functional prairie.</p> | |
| 28-20 | <p>Strategies for managing prairie dogs should not include any lethal methods, including extermination, or donations to ferret or raptor foundations. The use of barriers to control the dispersal of prairie dogs into sensitive habitat areas should be employed, rather than trapping and relocating animals within the Refuge.</p> | |
| 28-21 | <p>Prairie dogs from off-site locations should be accepted until its carrying capacity of 18000 animals is achieved (75% of 2400 acres = 1800 acres X 10 prairie dogs per acre = 18,000). This figure allows for 25% expansion over time. The carrying capacity may be extrapolated over a multi-year period since it is probably impossible to translocate that many animals in a lesser time frame.</p> | |
| 28-22 | <p>Visitors should never be allowed to enter areas occupied by prairie dogs. By applying this criterion, plague will not be an issue for visitors. The DCCP states that management will include the informal monitoring for plague. PPA would like the statement to be defined more clearly, as it is difficult to understand how one "informally monitors plague". Additionally, "plague control methods" (DCCP, p.41.) are mentioned but not defined. Please expound on the strategy in future documentation.</p> | |

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| 28-23 | <p>Ms. Laurie Shannon. Comments on Rocky Flats National Wildlife Refuge Draft Comprehensive Conservation Plan & Environmental Impact Statement</p> <p>April 26, 2004</p> <p>8. Hunting.</p> <p>Under no circumstances should hunting be allowed on the Refuge! There is no way to guarantee the animals are free of contaminants. There is no way to guarantee the young or disabled are not more susceptible to the contaminants that remain on-site than the general public.</p> | <p>comment 28-19, the Service proposes to allow natural expansion of existing and adjacent prairie dog populations in a manner that is ecologically sustainable.</p> <p>28-22. Any outbreaks of plague in prairie dog colonies would be monitored through the observation of on-site Refuge staff. Informal monitoring is relatively simple, as outbreaks of plague in prairie dog colonies are readily and quickly apparent.</p> |
| 28-24 | <p>In summary, Prairie Preservation Alliance sees much value in the Comprehensive Conservation Plan for Rocky Flats National Wildlife Refuge. We would like to see less orientation toward active recreation and more concern over the cleanup activities and schedule before proceeding further with the Plan. We would like to see the Refuge allow prairie-dog relocations from off-site locations. Finally, we strongly disagree with the recommendation to allow hunting on the Refuge. It is not necessary and will greatly detract from the overall experience of the Refuge. It is not a management tool in the true sense of the word (and may be detrimental to the participants), but a form of recreation that serves an ever-decreasing portion of the population. To pander to their wishes at the expense of the 61 million people who spend \$38.6 billion annually in the pursuit of wildlife viewing and photography flies in the face of reason.</p> <p>Sincerely,</p>  <p>Judy Enderle Prairie Preservation Alliance judy@prairiepreservationalliance.org</p>  <p>Timothy Schneider Friends of Native Ecosystems timsfam@indra.com</p> <p>7</p> | <p>28-23. Tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats. The EPA and CDPHE have indicated that all of the proposed Refuge management objectives, including hunting, would be safe for the public.</p> <p>28-24. Thank you for your comments.</p> |

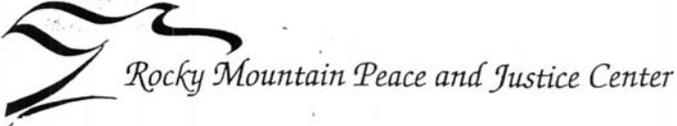
| Comment # | Letter #29 | Response |
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| <p>29-1</p> <p>29-2</p> <p>29-3</p> <p>29-4</p> <p>29-5</p> <p>29-6</p> |  <p>Rocky Flats Citizens Advisory Board An Advisory Board to the U.S. Department of Energy</p> <p>April 1, 2004</p> <p>Ms. Laurie Shannon Planning Team Leader U.S. Fish and Wildlife Service Rocky Mountain Arsenal Building 121 Commerce City, CO 80022</p> <p>Dear Ms. Shannon:</p> <p>The Rocky Flats Citizens Advisory Board (RFCAB) is pleased to submit the following comments related to the draft Comprehensive Conservation Plan / Environmental Impact Statement (CCP/EIS) for the Rocky Flats National Wildlife Refuge.</p> <p>As you know, RFCAB is a federal advisory committee chartered to provide advice and recommendations to the Department of Energy, the regulators and others on matters related to the cleanup and closure of the Rocky Flats site. Our membership represents a diverse cross-section of the community. The Board develops its recommendations by consensus, which when considering the diversity of our membership represents a careful balance of the views and opinions shared by our members.</p> <p>In considering the information presented in the draft CCP/EIS, the Board does not have consensus on whether one of the proposed alternatives, A, B, C, or D, should be chosen for future management of the refuge. Further, nothing in this letter should be construed to imply that the Board has reached consensus on whether there should be public access to the refuge. We do have agreement, however, on certain aspects of the overall management plan irrespective of whatever management alternative is ultimately selected and offer them as follows.</p> <ol style="list-style-type: none"> 1) No dogs should be allowed on the refuge. 2) In the event that an alternative is chosen that allows public access, there should be no motorized vehicles allowed except in public parking areas or for site maintenance. 3) The Board supports the overall goal of ecological restoration at the site, particularly the protection and development of the tall-grass prairie ecosystem. 4) In order to prevent access to the DOE-retained portions of the site, there should be a permanent and clearly demarcated boundary. The U.S. Fish and Wildlife Service should be an active decision-maker in the establishment of this boundary. Members of the community should also be involved in the decision. <p>10808 Highway 93, Unit B, Building 60, Room 107B Golden, Colorado 80403</p> <p>(303) 966-7855 ▲ Fax (303) 966-7856 ▲ Email: rfcab@indra.com</p> | <p>29-1. Thank you for your comments.</p> <p>29-2. Thank you for your comments.</p> <p>29-3. Dogs would not be permitted on the Refuge in any alternative.</p> <p>29-4. Motorized vehicles would not be permitted on the Refuge except for designated parking/access areas, Refuge maintenance and fire access, and access to utility easements, ditches, and private mineral rights. Objective 2.2 – <i>Public Access</i> has been revised to specify that motorized vehicles would not be permitted on Refuge trails and roads except for the above uses.</p> <p>29-5. The Service agrees that ecological restoration and the protection of the xeric tallgrass ecosystem are important components of any Refuge management plan.</p> <p>29-6. The final configuration of the DOE retained area, as well as the nature of any fencing or structures demarcating its boundary with the Refuge will be decided by DOE and the other RFCA parties. The Service is not the final decision-maker in these matters. However, the Service will continue to provide input to the RFCA parties.</p> <p>In the DEIS, the Service recommended that the demarcation be “seamless” with few obvious visual differences between the Refuge and the DOE retained area. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> |

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| <p>29-7</p> <p>29-8</p> <p>29-9</p> <p>29-10</p> <p>29-11</p> | <p>5) It is important to preserve the history of ranching as part of the story of the Rocky Flats land, but preservation of the actual remaining ranching structures is not a top priority for the Board.</p> <p>6) Because of its close association with the tall-grass prairie ecosystem, mining is not a compatible land use for the refuge. The Board supports the U.S. Fish and Wildlife position that no land be transferred into the refuge until the mineral rights have been acquired or after such time that mined lands have been reclaimed. The responsibility for resolving the outstanding issues related to the mineral rights remains with the Department of Energy.</p> <p>7) While not in agreement on the final location, the Board supports the development of a combined refuge interpretive center and museum related to Rocky Flats history.</p> <p>8) The Board supports a strong environmental education program focusing on the ecological resources at the refuge, but is not in agreement on whether these programs should include access to the site.</p> <p>The Board is also forwarding to you the results of a survey on the refuge management alternatives and related issues completed by our members. These survey results do not represent any official position of the Board, but do provide an insight into the development of our comments outlined above.</p> <p>We thank you for the opportunity to provide our comments.</p> <p>Sincerely,</p>  <p>Victor Holm Chair</p> <p>cc: Frazer Lockhart, DOE-RFPO Steve Gunderson, CDPHE Mark Aguilar, EPA</p> | <p>29-7. The Service agrees that the preservation of the actual Lindsay Ranch structures is not necessary to preserve the agricultural history of the site, or to meet the requirements of the Refuge Act. To that end, Alternative C calls for the removal of the structures and interpretation of the history of the site. However, the Service also acknowledges that there is public interest in the preservation of the structures, as well as the visual character that they add to the Refuge. For that reason, the Service recommends continued stabilization and interpretation of the Lindsay Ranch barn in Alternative B.</p> <p>29-8. The Service agrees that surface mining of Refuge land would have an adverse impact on the management of the Refuge and its resources, and would not be compatible with the purposes of the Refuge or the NWRs. The Service has expressed to DOE that it will not accept the transfer of administrative jurisdiction of lands subject to mining until the United States owns the associated mineral rights, or until mined lands have been reclaimed to native grasslands.</p> <p>29-9. The Service has expressed that it would prefer to co-locate Refuge offices and/or visitor facilities with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p> <p>29-10. In the Service's preferred alternative, Alternative B, on-site environmental education would be targeted towards high school and college age students. On-site education programs would be implemented after 5 years of Refuge operations. The establishment of the Refuge and any ensuing public access is predicated by certification by the EPA that the cleanup is complete and proposed uses would be safe for the public. Cleanup decisions will not be made by the Service and are outside the scope of this EIS. However, due to public interest and concern, an expanded discussion of cleanup related issues is included in Section 1.8.</p> <p>29-11. Thank you for your comments.</p> |

| Comment # | Letter #30 | Response |
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| <p>30-1</p> <p>30-2</p> <p>30-3</p> |  <p>Rocky Flats Cold War Museum</p> <p>April 3, 2004</p> <p>Laurie Shannon Planning Team Leader United States Department of the Interior Fish and Wildlife Service Rocky Flats National Wildlife Refuge c/o Rocky Mountain Arsenal, Bldg. 121 Commerce City, Colorado 80022</p> <p>Dear Ms. Shannon,</p> <p>Thank you for the opportunity to comment on how the Rocky Flats Cold War Museum (RFCWM) can continue to work with the USFWS and the Department of Energy to create a significant and sustainable legacy for Rocky Flats after site closure. As with our previous input to the Rocky Flats Refuge planning process, our intention is to partner closely with the USFWS wherever our goals can be mutually advanced and our visitors optimally served.</p> <p>As outlined in the museum's comprehensive feasibility study completed last August, there are several areas where we anticipate close cooperation with USFWS at the Rocky Flats. These include:</p> <ul style="list-style-type: none"> • Collaboration on exhibit development and fabrication. The museum's mission, in addition to the cold war era and clean-up history, also addresses the natural history and the long-term stewardship of the site. We anticipate working closely with the USFWS during this process to insure that these exhibits also serve the anticipated needs of the Service. • Sharing physical space (either at the building 060/061 or at other locations depending on how the museum develops). The museum intends to undertake a capital campaign to secure or build its facility, portions of which could be leased back to other stakeholders. The museum, in response to feedback from the many community stakeholders who were interviewed during our feasibility study, would preferably be co-located with USFWS operations. | <p>30-1. Thank you for your comments and participation.</p> <p>30-2. The Service looks forward to opportunities to collaborate with the Museum, as expressed by Objectives 2.8, 2.9, and 6.5.</p> <p>30-3. The establishment of the Cold War Museum is outside the jurisdiction of the Service and the scope of the CCP/EIS. However, the Service has expressed that it would prefer to co-locate Refuge offices and/or visitor facilities with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p> |

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| <p>30-4</p> | <ul style="list-style-type: none"> Working closely to develop environmental education and long-term stewardship activities. Perhaps most importantly, as an educational organization, the museum's exists to inform its visitors of the past, present, and future issues regarding Rocky Flats. In fact, the educational programs of the museum can eventually represent one of the institutional controls for the ongoing stewardship of the site—keeping citizens informed about the environmental state of Rocky Flats and nurturing future stewards. A wide variety of activities focusing on site monitoring, habitat restoration, and continuing community information about the ongoing legacy of Rocky Flats are being developed. | <p>30-4. See response to comment 30-2.</p> <p>30-5. The Service appreciates your efforts to preserve the history of the Lindsay Ranch. As outlined in Objective 6.5 – <i>Cultural Resources – Site History</i>, the Service looks forward to future partnership opportunities.</p> <p>30-6. Thank you for your comments.</p> |
| <p>30-5</p> | <p>The museum's lead role in undertaking a Historic Site Assessment of the Lindsey Ranch (now completed) is one example of the collaborative approach we hope for. The ranch holds promise as an important educational resource for the refuge. This in-depth assessment represents an important first step in considering how the ranch might be used in future public history or environmental education programming. Thanks to the collaborative efforts of the museum, USFWS, DOE, and the Colorado Historical Society, the ranch's heritage will not be lost.</p> | |
| <p>30-6</p> | <p>There is much to be decided in the coming years. As the clean-up progresses we hope to play an increasingly visible role in defining what the legacy of Rocky Flats will be. We continue to look to the USFWS as a critical partner in this work.</p> <p>Sincerely,</p>  <p>Bryan C. Taylor, President, Board of Directors Rocky Flats Cold War Museum, Inc.</p>  <p>Steven E. Davis, Executive Director Rocky Flats Cold War Museum, Inc</p> | |

| Comment # | Letter #31 | Response |
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| 31-1 |  <p data-bbox="856 415 1045 435">Monday April 26, 2004</p> <p data-bbox="667 415 821 472">RECEIVED</p> <p data-bbox="678 467 800 516">APR 27 2004</p> <p data-bbox="625 508 810 578">U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p data-bbox="348 480 596 610">Laurie Shannon Planning Team Leader US Fish and Wildlife Service Rocky Mountain Arsenal NWR Building 121 Commerce City, CO 80022</p> <p data-bbox="348 634 499 654">Dear Ms. Shannon,</p> <p data-bbox="348 675 1041 914">The following pages are the final comments by the Rocky Mountain Peace and Justice Center on the Draft Comprehensive Conservation Plan and Environmental Impact Statement for the future Rocky Flats National Wildlife Refuge. The comments have been divided into two basic parts, general comments and specific comments. We would like responses to both sections. We have also included attachments that would be very useful in the final decisions made by the FWS for the site use and management of the RFNWR. They are: A. <u>Risk from Plutonium in the Environment at Rocky Flats</u> by Dr. LeRoy Moore, B. "The Evolution of Health Protection Standards for Nuclear Workers," from <u>Closing the Circle on the Splitting of the Atom</u>, DOE, January 1996, and C. <u>The Executive Summary</u> and recommendations of the Risk Assessment Corporation's 1999 report on sampling protocols at the RFETS.</p> <p data-bbox="348 919 1016 1003">The decisions being made at this site are very important and could affect many lives. We believe that the FWS should utilize as many resources as possible when making decisions such as those in the CCP/EIS, including public comment and citizen expertise.</p> <p data-bbox="348 1008 1024 1114">If you have any questions regarding our comments or the additional resources provided at the end of our comments, please feel free to contact me. I will send two copies of our final comments; one copy will be faxed on April 26, 2004, the other copy will be mailed and postmarked by April 26, 2004. I would request a response acknowledging receipt of our comments.</p> <p data-bbox="348 1138 537 1157">Respectfully submitted,</p>  <p data-bbox="348 1203 678 1308">Erin Hamby Coordinator Rocky Flats Collective Rocky Mountain Peace and Justice Center 303-444-6981 veggirrl@aol.com</p> <p data-bbox="348 1317 485 1349">1520 Euclid Avenue Boulder, CO 80302</p> <p data-bbox="636 1317 810 1349">Telephone: (303) 444-6981 Fax: (303) 444-6523</p> <p data-bbox="951 1317 1087 1349">Post Office Box 1156 Boulder, CO 80306</p> <p data-bbox="516 1369 915 1425">  working for nonviolent social change since 1983 <i>"Community Shares of Colorado Member Agency"</i> </p> | <p data-bbox="1230 204 1955 261">31-1. Thank you for your comments. The documents referenced in the letter are part of the administrative record for the project.</p> |

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| 31-2 | <p>The Rocky Mountain Peace and Justice Center is a non-profit organization, which represents a membership of over 2000 people in Colorado. We have acted as a voice for the community for 20 years on issues surrounding Rocky Flats. For 20 years we have sought to end the harm to people and the environment caused by nuclear weapons production and other activities at Rocky Flats.</p> <p>General Comments:</p> <p><u>Guidelines for National Wildlife Refuges and for the Rocky Flats Refuge</u></p> <p>In the Draft EIS/CCP, the FWS points out, "The [National Wildlife Refuge System] Improvement Act states that wildlife conservation is the priority of NWRS lands and that the Secretary of the Interior will ensure that the biological integrity, diversity, and environmental health of refuge lands are maintained. Each refuge must be managed to fulfill the NWRS mission and the specific purposes for which it was established (emphasis added)." The NWRS mission is, "[t]o administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (emphasis added)." The CCP/EIS also states, "The Refuge Act identified four purposes of the Rocky Flats NWR:</p> <ul style="list-style-type: none"> • Restoring and preserving native ecosystems • Providing habitat for and population management of, native plants and migratory and resident wildlife • Conserving threatened and endangered species (including species that are candidate species under the Endangered Species Act) • Providing opportunities for compatible scientific research" <p>Neither the mission of the NWRS nor the purposes for which RFNWR was established requires or even mentions public use or recreation. It is therefore in-line with the mission and purposes of the RFNWR to keep the site closed to recreation.</p> <p>Further, FWS states that, "[l]ands within the NWRS are different from federal multiple-use public lands, ...in that that they are closed to all public uses unless specifically and legally opened." Compatibility Determinations are used to determine whether a refuge use should be allowed. While compatibility determinations for the RFNWRS show no significant "interference or detraction" from the Refuge and its mission, neither do they add any significant benefit. The RMPJC feels that the Compatibility Determinations provided in the Draft CCP/EIS are vague and do not provide the details one would require to make such serious decisions.</p> | <p>31-2. The Service agrees that excerpts from the mission of the National Wildlife Refuge System and the purposes of Rocky Flats National Wildlife Refuge are correctly quoted. It is quite clear from the language of the National Wildlife Refuge System Improvement Act of 1997, and the legislative history of that law, that the Secretary of the Interior is required to provide the six priority forms of wildlife-dependent recreation that are the priority public uses of the Refuge System, whenever those uses are found to be compatible with the purposes of the refuge and the mission of the Refuge System and are consistent with public safety. The Service believes that the public uses proposed in the CCP meet the compatibility and safety criteria and are, hence, required by the NWRSIA of 1997.</p> <p>31-3. In addition to the response to comment 31-2, the Refuge will not be established until it is certified by the EPA to be safe for any proposed activities.</p> |
| 31-3 | <p><u>The question of recreational activities</u></p> <p>The Rocky Mountain Peace and Justice Center and its members do not want to see recreation allowed at Rocky Flats. It is our belief that the dangers and uncertainties around contaminant concentrations, locations, and stability within the environment are simply too great to justify opening the site to public access.</p> <p>We support the basic ideas behind the Refuge establishment. It is appropriate to deter development of these beautiful, yet contaminated lands. It is also appropriate to reclaim this land from its tragic history and allow it to serve a positive purpose. However, positive use of this beautiful land does not require the site be opened to the</p> | |

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| 31-4 | <p>public for recreation. In fact, opening the site to recreation would pose a health risk to those visiting the site, and, therefore, recreation should be considered a negative use.</p> <p><u>Scientific research on the site</u></p> <p>We believe that encouraging scientific research on the site, one of the four purposes for which the RFNWR was created, would be more beneficial to US citizens overall. Little is known about low dose radiation exposure, though some studies suggest small doses received over a period of time can be very harmful to one's health. We recommend that a focus be placed on studying the health effects of low level radiation, including cancer risks and possible genetic disturbances, on human and non-human organisms. We also suggest that Rocky Flats could be used for research in the development of better, more efficient remediation technologies for cleanup of plutonium contaminated sites. Care should be taken in any and all situations to prevent exposure to researchers and workers, as well as the public. Care should also be taken to prevent disturbance of wildlife and habitat, especially those considered to be endangered or threatened.</p> | <p>31-4. As described in Objective 5.3 – <i>Research</i>, all alternatives would allow for some level of compatible scientific research on the Refuge. Currently, the Service anticipates working with others to conduct research that has direct implications for Refuge management related to wildlife, habitat, and public use. The Service has no plans to conduct research on efficient remediation technologies for cleanup of plutonium-contaminated sites. There would be no need to do this since none of the lands coming to the Refuge will require any cleanup.</p> |
| 31-5 | <p><u>NEPA considerations</u></p> <p>We were very disappointed to be told that known contaminants that are being left behind on site at Rocky Flats are outside the scope of the CCP/EIS. We were also told that comments referring to such contaminants would not be considered “reasonable,” and therefore not considered. . . Not only is this irresponsible and inappropriate, we believe it violates the clear intent of the National Environmental Policy Act requirements for conducting an EIS. On this issue, we concur with and call your attention to the comments submitted on April 21, 2004, by the Sierra Club Rocky Mountain Chapter. FWS is aware that the site will not be cleaned up to the most stringent possible levels. FWS is also aware that large amounts of dangerous contamination will be left behind in the subsurface (below 3 feet) in the former industrial zone and that the surface soil in this portion of the site will contain up to 50 pCi/g of plutonium—assuming that the cleanup does not miss any hot spots and that soil sampling and analyses were adequate and accurate.</p> <p>Any assessment of risk is freighted with uncertainties. There is a substantial body of scientific literature (much of it cited in the attached paper on Risk from Plutonium in the Rocky Flats Environment; <i>Attachment A</i>) that supports the conclusion that exposure to plutonium in even minuscule amounts can have adverse health effects, including effects that may be passed on to future generations. Yet, despite the clear understanding that contamination will be allowed to remain on the site, the FWS refused to consider comments that addressed dangers posed by that contamination. It is unacceptable to limit public participation in this way. It is also irresponsible to manage the site as if it were pristine, when it is admittedly not. The public has been asked to comment on a Draft Environmental Impact Statement while being told that remarks about environmental impacts will be ignored.</p> <p>In keeping with the foregoing, we believe FWS must do a Supplemental EIS on the refuge in which it presents a full description of the condition of the Rocky Flats</p> <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 2</p> | <p>31-5. The Service is not a decision-maker in matters pertaining to cleanup, and the CCP/EIS is not a cleanup document. The EPA and CDPHE have indicated that all activities that are proposed in the CCP alternatives would be safe for both Refuge workers and visitors. The Refuge will not be established until this is certified to be the case. For these reasons, issues related to cleanup decisions are not within the scope of this EIS. However, in response to public interest and concern, an expanded discussion of issues related to site cleanup and residual contamination levels is included in Sections 1.8, 3.2, and 4.2.</p> |

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| | <p>environment and invites the public to comment on this information. No decisions regarding future use of the Rocky Flats National Wildlife Refuge should be made until FWS has fulfilled the whole of its obligations under NEPA.</p> | <p>31-6. The Refuge was established by the U.S. Congress in the Rocky Flats National Wildlife Refuge Act of 2001. The Act requires the Service to manage those lands not retained by the DOE after the EPA certifies the cleanup is complete. The Draft CCP/EIS has been written in accordance with existing Service planning policies.</p> |
| 31-6 | <p><u>Lack of a national FWS policy for management of contaminated sites</u> We understand that the USFWS was required to take over the closed site through federal legislation and that the Service could not refuse the ultimate acquisition of the site. As things stand now, neither the DOI nor the USFWS has a written or stated national policy or protocol for managing contaminated lands. This is unacceptable. The FWS was not designed to manage the uncertainties inherent in a site contaminated with radionuclides or other hazardous waste. Without the infrastructure in place to manage contaminated lands and the many problems and liabilities that could arise, the USFWS should not be asked to accept the management responsibility of such lands.</p> | <p>31-7. The Service is not qualified, mandated, or permitted to establish or challenge cleanup standards for contamination of any kind. These are the responsibilities of the EPA and the CDPHE, which have authority over the standards for cleanup at Rocky Flats. If the standards change, the five-year review under CERCLA will require DOE, EPA, and CDPHE to reevaluate cleanup efficacy and determine if additional work needs to take place. DOE will retain liability for any residual contamination.</p> |
| 31-7 | <p><u>Lack of a national FWS policy for management of contaminated sites</u> The FWS should be very concerned about managing a site that will knowingly continue to be contaminated with quantities of plutonium and other dangerous materials. While the FWS will not take control of lands not 'certified' by the EPA, the EPA will certify land as transferable with "allowable" levels of contamination. It should be noted that the standards for "acceptable" or "allowable" radiation dose to an adult human have decreased and changed several times in the brief period of less than 80 years since the first standards were created in 1925 (see the attached diagram on "The Evolution of Health Protection Standards for Nuclear Workers," copied from <i>Closing the Circle on the Splitting of the Atom</i>, DOE, January 1996; note that the standards on this diagram refer to nuclear workers; ICRP recommends that standards for the general public be set at 5% of what is permitted for workers; <i>Attachment B</i>). These standards continue to be reviewed and revised as more is understood about plutonium. Who is to say that these standards will not change a few more times in the future, reflecting ever-lower allowable doses? What happens when the allowable dose standard is reduced to the point where it would be exceeded by a worker or visitor because the cleanup levels at Rocky Flats are no longer considered protective of human health and safety? Who will be responsible then for the remediation? For the harm caused to workers or visitors?</p> <p>It should be noted that the cleanup standards were not set to achieve the best possible clean-up. They were set to achieve a certain level of risk. In other words, an "acceptable" amount of risk (excess cancer deaths) was decided upon (not by the public being asked to assume that risk), and action levels were derived from this. Risk, in this sense, basically means that given a limit of acceptable harm, a dose is calculated to determine the highest amount of radiation exposure possible without exceeding the given level of predetermined acceptable harm. This form of determining a legally compliant level of risk is protective of industry liability, not of human health.</p> | <p>31-8. See response to comment 31-7. CERCLA clean up levels are sometimes higher than standards for some programs. However, note that most of the buffer zone and the area that is likely to become the Refuge is below the CDPHE standard of 0.9 pCi/g. The background range for soil is between 0.04 and 0.09 pCi/g. The RFCA uses the value of 0.066 pCi/g for the background value. If the Service wishes to construct a residential building for any purpose, additional sampling would be needed and the regulators would need to give approval before such a building is constructed. None of the alternatives in the CCP include residential structures.</p> |
| 31-8 | <p><u>The CDPHE standard for plutonium in soil off the Rocky Flats site</u> The FWS should also be made aware of CDPHE's own standards for allowable levels of plutonium contamination in the soil off the Rocky Flats site. In response to revelations of major releases of plutonium to the offsite environment, in 1973 CDPHE promulgated the following state standard for plutonium in offsite soil.</p> | |
| | <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 3</p> | |

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| 31-9 | <p>Contamination of the soil in excess of 2.0 disintegrations per minute of Plutonium per gram of dry soil . . . presents a sufficient hazard to the public health to require the utilization of special techniques of construction upon property so contaminated.¹</p> <p>The quantity of plutonium in one gram of soil that decays at the rate of 2 disintegrations per minute is 0.9 picocuries, which is 22.5 times the 0.04 pCi/g average background deposit of plutonium from global fallout in the area. The current surface soil cleanup level of 50 pCi/g for plutonium, is 55.5 times greater than the off-site standard, which according to CDPHE, “presents a sufficient hazard to the public health” to require special action before disturbing the soil.</p> <p><u>Contamination and risk regarding the land FWS will inherit</u></p> <p>We understand that the portion of the buffer zone FWS will receive from DOE will purportedly be contaminated with plutonium at levels of 7 or less pCi/g of soil (7 pCi/g is 175 times the 0.04 pCi/g average background deposits of plutonium from fallout). Of course, setting aside land contaminated at this level assumes that the characterization and sampling on which this calculation is made are adequate and accurate. We are attaching the Executive Summary of the Final Report on Sampling Protocols prepared in December 1999 by Rick Assessment Corporation for the Rocky Flats Radionuclide Soil Action Level Oversight Panel (<i>Attachment C</i>). Please review the twenty recommendations this report makes regarding how samples should be collected and analyzed to verify the cleanup at Rocky Flats. We do not believe that either the sampling done by DOE and the regulators or the additional sampling intended to be done by FWS meets the protocols defined by this set of recommendations. We urge FWS to insist that DOE and the regulators develop protocols for characterization and sampling to verify the cleanup that correspond with this list of recommendations. Their doing this would at least provide sampling results that could more easily be received with confidence by the affected public.</p> | <p>31-9. Site characterization is the responsibility of the DOE with oversight by the EPA and CDPHE.</p> <p>31-10. See response to comment 31-7. All public uses at the Refuge would be voluntary.</p> |
| 31-10 | <p>The issue of risk, however, with respect to the danger from minuscule deposits of plutonium in the surface soil, is not simply a matter of having better sampling results. Plutonium, as we have pointed out repeatedly, is particularly dangerous in very small amounts. Several of the references on the attached sheet on Risk from Plutonium in the Rocky Flats Environment (see <i>Attachment A</i>) indicate the potential harm from taking even a single particle of this material into the body. But, one might say, don't we all take risks? We all drive autos. Isn't driving itself a risk? Andrei Sakharov, the dissident Soviet nuclear physicist who received the Nobel Peace Prize, responded to those who compare the risk from low-dose radiation exposure to the risk from riding in an automobile. “The automobile,” he said, “leads to accidents only in individual cases as a result of carelessness on the part of persons who are then legally responsible.” By contrast, exposing people involuntarily to very low doses of radiation means “that the crime cannot be punished (since it is impossible to prove that any specific human death was caused by radiation) and . . . future generations” are left defenseless “against our acts.”ⁱⁱⁱ</p> <p>The issue of radiation and risk is very controversial. Even though the National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection both assume that any exposure to radiation, no matter how small,</p> | |
| | <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 4</p> | |

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| <p>31-11</p> <p>31-12</p> <p>31-13</p> <p>31-14</p> <p>31-15</p> <p>31-16</p> <p>31-17</p> | <p>is potentially harmful, these same bodies recommend standards for permissible exposure that allow some exposure and thus some harm. Since, as pointed out above, FWS is not obligated to allow public recreation activities at the future Rocky Flats National Wildlife Refuge, we urge the agency not to take the risk of needlessly endangering people. If the view that harm may result from exposure to radiation in very small amounts turns out to be incorrect, and FWS has not allowed public recreation at Rocky Flats, no one will have been harmed. But if FWS allows public recreation at the site and it is later irrefutably demonstrated that very low-dose radiation exposure can be harmful, who then can right the wrong or undo the harm?</p> <p>Specifics:</p> <ol style="list-style-type: none"> 1. The RMPJC rejects management Alternatives B & D. 2. The RMPJC prefers an alternative that would not allow public access or recreation and favors and encourages research focused on low level radiation. 3. The RMPJC favors Alternative C above Alternative A because of the increased attention to environmental protection, conservation, and restoration. However, we do not support Alternative C if this means that FWS workers would be exposed to contaminants in the environment. If Personal Protection Equipment and routine radiation monitoring are not required or supplied to the workers, then the RMPJC favors Alternative A, as this would be the most protective for workers and the general public. 4. The RMPJC disapproves of the use of fire as tool for weed control and management. Fire not only has the great potential for re-suspending plutonium particles in the air, but it also has the potential to increase erosion, thus increasing the chance of exposing plutonium that lies beneath the top few inches of soil. 5. The RMPJC disapproves of any hunting allowed on site. In general, we do not feel that hunting is compatible with any NWRS. Specifically, the weapons pose a danger to near-by communities and road users. Also, the RMPJC feels that the uncertainties around plutonium body burdens in grazing animals are too numerous, and therefore, resident animals of Rocky Flats should not be consumed. If the meat is not being consumed there is no reason to allow public hunting. While the RMPJC does not necessarily support the culling of wild animals, if it is determined that ungulate populations must be thinned, we ask that this be done by professional marksmen employed by the FWS to ensure public safety and the minimization of suffering by the animals. 6. The RMPJC disapproves of any off-trail hiking. The risk to the hiker is too great. There is also an increased risk of accidental or intentional damage to some of the institutional controls being left in place by the DOE (water and air monitoring stations, caps, etc). 7. The RMPJC asks that the FWS actively participate in the discussion about how to demarcate the DOE retained lands. While we understand that the construction or implementation of any sort of barrier is the responsibility of the DOE. We also feel that the FWS has a responsibility to the public to clearly mark the boundaries of its property. Managing a site as a 'seamless space whose interior is restricted from the public will be very difficult. Thus, we recommend a fence that demarcates and <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 5</p> | <p>31-11. Thank you for your comment.</p> <p>31-12. Public use would be minimized in Alternatives A and C.</p> <p>31-13. The EPA and CDPHE have indicated that all of the proposed Refuge activities, in all of the proposed Refuge area, will be safe for both Refuge workers and the general public.</p> <p>31-14. The EPA and CDPHE have indicated that all of the proposed Refuge management activities, including prescribed fire, would be safe. However, in response to concerns about residual contamination, the Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 8).</p> <p>31-15. The Service believes limited public hunting would be compatible with the purposes and management of the Refuge, would be a compatible form of wildlife dependent public recreation on the Refuge, and would provide an additional management tool for deer and elk populations. The safety of participants and the general public would be a primary consideration in the design and management of the proposed hunting program.</p> <p>31-16. Off-trail, pedestrian use would be allowed in the area shown on Figure 23. These areas would be well outside of the DOE retained area, and would not contain any institutional controls related to the site cleanup.</p> <p>31-17. In the DEIS, the Service recommended that the demarcation be "seamless" with few obvious visual differences between the Refuge and the DOE retained area. The FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties.</p> |

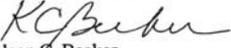
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| <p>31-18</p> <p>31-19</p> <p>31-20</p> | <p>follows the entire boundary between the DOE retained lands and those to be managed by the FWS. This boundary should also have approach signage so that it is clear how far away the DOE land is. For example, a sign could be posted at 100 yards distance from the fence indicating one's proximity to the DOE lands.</p> <p>8. The RMPJC believes that visitors and workers should be made aware of the contaminants on site and the dangers they pose. If visitors are allowed, informed consent practices must be adopted and enforced.</p> <p>9. The RMPJC believes FWS workers, as well as any researchers, should be provided with Personal Protection equipment. They should also receive training on hazardous and radioactive materials. They should also be monitored regularly by appropriate health and medical professionals to ensure that their health and well being is taken seriously.</p> <p>10. The RMPJC is opposed to a full Visitor's Center for the RFNWR. The cost is too high, and the benefits too few. However, should the RFNWR be opened to public access, despite overwhelming comments asking for the opposite, the RMPJC feels that some sort of facility should exist to facilitate use of the Refuge only with informed consent and understanding of the nature of the site, its history, and its admitted contaminants.</p> <p>ⁱ "Amendment to the State of Colorado Rules and Regulations Pertaining to Radiation Control, Subpart RH 4.21.1," Adopted Colorado State Board of Health, March 21, 1973.</p> <p>ⁱⁱ Sakharov, "Radioactive Carbon from Nuclear Explosion Nonthreshold Biological Effects," <i>The Soviet Journal of Atomic Energy</i>, 4, 6 (June 1958): 761.</p> <p>The Rocky Mountain Peace and Justice Center CCP/EIS Comments 6</p> | <p>31-18. The Refuge would include signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge.</p> <p>31-19. The EPA and CDPHE have indicated that the area that will become the Refuge will be safe for all proposed Refuge activities, including scientific research. The contamination levels in the area to become the Refuge are currently safe enough (prior to cleanup) not to require any response actions. For these reasons, protective equipment would not be required in the areas that will become the Refuge.</p> <p>31-20. The proposed action, Alternative B, calls for a visitor contact station rather than a full visitor's center at the Refuge. However, the Service has expressed that it would prefer to co-locate some visitor and/or office facilities with the Cold War Museum, if such a museum is established and it is within close proximity to the Refuge entrance.</p> |

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| <p>32-1</p> <p>32-2</p> | <div style="text-align: center;">  <p>RECEIVED APR 21 2004 U.S. FISH & WILDLIFE SERVICE ROCKY MOUNTAIN ARSENAL NWR</p> <p>April 21, 2004</p> <p>Rocky Flats Refuge Manager Rocky Mountain Arsenal- Building 121 Commerce City, CO 80022</p> <p>These comments represent the official comments of the Sierra Club Rocky Mountain Chapter to the Draft CCP/EIS for Rocky Flats National Wildlife Refuge. As these comments discuss, because FWS has not provided enough information to the public to make an informed decision about public access to Rocky Flats, the Sierra Club supports Alternative C (Ecological Restoration) which provides for the least amount of public access. Until such time as there is more publicly-available scientific information that provides support for FWS' proposal to allow significant public use of this site, the Sierra Club believes the area should be closed to visitor use. The Sierra Club urges FWS to delay any final decision until the clean up is complete and an EPA assessment of the site has occurred. At that time, environmental documentation relevant to the clean up's affects on public use of the Refuge should be provided to the public and analyzed by FWS in an updated DEIS.</p> <p><u>1. FWS fails to consider whether the human uses proposed in areas of contamination and cleanup at Rocky Flats under the various alternatives will have a "significant effect on the quality of the human environment."</u></p> <p>NEPA requires that environmental considerations be integrated into federal planning. Whenever a federal agency proposes a major federal action, it must consider whether that action will have a significant effect on the quality of the human environment. This means FWS must evaluate, among other things, the "degree to which the proposed action affects public health or safety." 40 CFR 1508.27. Regulations also require that when information on reasonably foreseeable adverse impacts is essential to a reasoned decision, the agency must secure the information if the cost is not exorbitant. 40 CFR 1502.22(a).</p> <p>"NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 CFR 1500.1. NEPA has twin purposes: to obligate a federal agency to consider "every significant aspect of the environmental impact of the proposed action." And to ensure the public that the agency has indeed considered environmental concerns in its decisionmaking process. The purpose of an EIS is to educate the public and ensure the public that the agency has considered environmental concerns—including impacts on human health and the quality of the human environment—in its decisionmaking process. FWS has failed in both respects in this EIS.</p> <p>1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659</p> <p>1</p> </div> | <p>32-1. Thank you for your comments.</p> <p>32-2. Under the Refuge Act, no portions of the site can become a Refuge until the EPA certifies DOE has completed the cleanup and closure.</p> <p>The CCP/EIS is written under the premise that the land will be remediated and certified prior to the establishment of the Refuge, and the establishment of the Refuge will not have a significant effect on the human environment. If post-cleanup conditions change this assumption, the cleanup will not be certified and the Refuge will not be established.</p> <p>In response to public interest and concern about contamination issues, the FEIS includes an expanded discussion of cleanup in Section 1.8, of residual soil contamination levels in Section 3.2, and any potential effects of Refuge activities on those soils in Section 4.2. This additional information demonstrates that environmental concerns, including the health of Refuge workers, visitors, and the general public, have been considered throughout the decision making process. Based on the cleanup assumptions that must be met prior to Refuge establishment, as well as the levels of residual contamination in the lands that will become the Refuge, the Service concurs with the EPA and CDPHE that the proposed Refuge activities will not have a significant effect on the quality of the human environment.</p> |

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| 32-3 | <p>FWS states that “the EIS does not discuss the cleanup activities, because they are outside the scope of Refuge management activities considered in the CCP.” (DEIS p.8). FWS assumes, without citing any document, statement or scientific study, that it need not consider soil contamination levels, residual contamination, and how they may be a source of harm to people and the environment when coupled with the activities proposed for these areas or other effects that historical contamination may have on proposed activities.</p> <p>The Sierra Club wholly recognize that FWS is not responsible for the clean up at Rocky Flats, including the methods used, the level of clean up, how quickly clean up occurs, or which areas are transferred and which are retained by DOE. <u>However, NEPA requires FWS to analyze the extent to which the human uses proposed under the DEIS when coupled with the contamination that remains after the DOE cleanup will impact human health and the quality of the environment.</u> FWS must ascertain and must provide to the public information about whether activities will have a “significant effect on the quality of the human environment.” This evaluation necessarily must include information about, and a discussion of, the clean-up standard, the areas that will be cleaned, the soil depths where clean up will occur, and the impact to human health and the environment that any of these facts will have. FWS need not perform an EIS on the clean up itself. But it must perform an EIS on the impacts that the proposed activities will have on the quality of the human environment because those activities will occur on a site that has been severely contaminated and because there could be residual contamination that may be stirred up by the activities proposed by FWS.</p> <p>FWS avoids any analysis of effects to human health without a single statement as to how it can avoid such discussion. FWS does not cite a single study that evaluates effects to human activity. You do not cite any legal support for excluding such a central and critical discussion to its EIS. We believe it is impossible for this document to meet the obligations of NEPA unless there is a greater discussion of what the existing environmental conditions are of the area that is being discussed.</p> <p>FWS must evaluate whether the cleanup standard used by EPA (that of the refuge worker) will protect human health and the environment given the level of active recreation under each of the alternatives proposed by FWS. For instance, the CCP/DEIS never refers to the standard to which EPA will clean the Refuge. Independent research indicates that at least part of the Refuge will be cleaned to a level that will protect a Refuge worker. This standard raises several questions that FWS must address in its EIS, namely whether other groups, especially children, the elderly, or the infirmed or unhealthy visitor, will also be protected under this standard when that visitor participates in the activities proposed by the Refuge. Does this standard consider the proposed recreational activities and their resulting disturbances in determining whether the area is “clean enough?” The standard may protect the Refuge worker who operates machinery to blaze a new trail. However, as this trail erodes over time, will the average visitor still be safe? Moreover, will the interaction of wildlife (including burrowing wildlife such as prairies dogs) and humans cause dispersion And of toxic material that lies on or beneath the surface? Will such dispersion degrade the quality of the human environment downwind, down gradient and beyond the Refuge?</p> <p style="text-align: center;">1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659 2</p> | <p>32-3. An expanded discussion of contamination issues and cleanup levels is included in Section 1.8. The determination of cleanup standards is inclusive of all persons, including children, the elderly or infirm.</p> <p>The erosion or dispersion of soil by wind or water will not be a concern in the areas that will become the Refuge, because residual contamination levels in most of those areas will be at background or extremely low (below 1 pCi/g) (none of the contamination levels in lands to become the Refuge would be above 7 pCi/g – the cleanup standard at Rocky Flats is 50 pCi/g). The contamination levels in the area to become the Refuge are currently safe enough (prior to cleanup) to not require any response actions. The DOE will retain any areas where residual contamination is high enough to pose a concern due to erosion.</p> |

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| 32-4 | <p><u>2. The CCP/EIS is premature given because (1) FWS will not inherit the site for many years, and conditions may change in the interim, and (2) FWS cannot accurately analyze the impacts of proposed alternatives until the nature and extent of residual contamination on the site is known—something that cannot be known until FWS receives jurisdiction of the site.</u></p> <p>The DEIS states that a MOU between DOI and DOE “will guide the transition of Rocky Flat to its status as a National Wildlife Refuge.” As of the date of these comments, this MOU has not been signed. The DEIS further points out that “the final size and configuration of DOE-retained lands will not be determined until the final remedy is completed and the area is agreed to by the Rocky Flats Cleanup Agreement (RFCA) Parties.”</p> <p>How can FWS plan for management of the Rocky Flats Refuge without knowing what further or additional responsibilities it will have under the MOU, and what size and configuration of the contaminated lands will ultimately have? Clearly, it cannot plan for management until these things are known as a baseline for the study. The CCP/DEIS is then, admittedly, incomplete and uncertain because FWS does not yet know what area it will be managing, and what its responsibilities for management will be.</p> <p>The progression of environmental documentation for clean up and ultimate management and use of the Refuge is very fractured and not easy to follow. The documents and reports addressing the clean up are disjointed, and yet they are critical to FWS’ EIS and the public’s ability to comment effectively. They are no where referred to or listed in this DEIS. It would be easier for the public, and would make better logical and planning sense to wait to plan for the Refuge until after the clean up and any EPA analysis are complete. Short of this, FWS should at a minimum provide a bibliography that details the relevant reports and information necessary to make a reasoned decision about what public uses should be permitted given the clean up efforts.</p> <p>Finally, FWS puts the cart before the horse. Considering public uses for the before the completion of the cleanup and any accompanying environmental analysis of the cleanup or any EPA assessment creates confusion for the public, means a less reliable decision, and is legally suspect.</p> <p><u>3. The EIS leaves many specific questions unanswered.</u></p> <p><u>The Rocky Flats Refuge Act</u></p> | <p>32-4. The timing of the Comprehensive Conservation Planning process was directed by Congress in the Refuge Act. The Service has been in continued contact with the DOE during the CCP planning process and has been apprised of the approximate boundaries of the lands that will be retained by DOE for long-term monitoring and stewardship. While the exact boundaries are likely to change prior to Refuge establishment, the Service is confident that the general nature of the lands and resources that will be included in the Refuge will not change. For these reasons, the Service is confident that it is both reasonable and effective to complete the CCP process at this time. If post-cleanup conditions change the Service’s assumptions, the CCP will be revised accordingly.</p> <p>32-5. See response to comment 32-2.</p> |
| 32-5 | <p>The 2001 Rocky Flats Refuge Act mandates that the Refuge will be managed to restore and preserve native ecosystems, provide habitat for native plants and wildlife, and provide opportunities for compatible scientific research.</p> <p>How can FWS manage for native ecosystems without inquiring into the baseline levels of residual contamination that will still exist when it receives the property?</p> <p style="text-align: center;">1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659 3</p> | |

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| 32-6 | How can FWS plan for wildlife-compatible recreation without knowing whether that recreational activity runs a risk of disturbing potentially contaminated areas, and thus degrading the quality of the human environment? | 32-6. See response to comment 32-2. |
| 32-7 | <u>Visitor Use</u> | 32-7. As indicated in response to comment 32-3, soil erosion or dispersion will not be a concern in the areas that will become the Refuge. |
| 32-8 | 1) Will equestrian use disturb soils in a way that could expose radioactive material? | 32-8. In the DEIS, the Service recommended that the demarcation between the Refuge and the DOE retained area be “seamless” with few obvious visual differences. Section 1.8 of the FEIS elaborates that the Service believes that a four-strand barbed-wire agricultural fence and/or permanent obelisks would demarcate the interior property boundary, keep any livestock out of the DOE lands, and clarify that the DOE lands are closed to public access. Such a fence would not adversely affect the movement of wildlife across the site, and would not be visually obtrusive. The Service has provided these recommendations to the RFCA parties. |
| 32-8 | 2) Will a “seamless refuge” allow visitors to access sites that are not cleaned up to the same level as the refuge? Will the public be educated about the differences in clean up levels? | |
| 32-9 | 3) Can burrowing wildlife, including prairie dogs, dig to a level in the ground that has not been cleaned up? What is this level? If so, how does this potentially affect re-distribution of certain materials to the surface? Can the public be exposed to radioactive materials as a result of animal disruption to soils? To what extent can toxic or radioactive material either transported or ingested by burrowing animals be moved up and down the food chain by the interaction of communities of animals sharing the same habitat? | |
| 32-10 | 4) How will FWS monitor on-going impacts to human health and environment? IF FWS will not be monitoring the effects that visitor use may suffer, who will be monitoring? | |
| 32-11 | 5) How will proximity to a DOE-retained Superfund affect the Refuge? | |
| 32-12 | 6) What residuals will be left on the Refuge? | |
| 32-13 | 7) How will any on-going cleanup activities or monitoring affect the proposed visitor use? How will it affect human health and the environment? | The Service will provide signs and displays conveying the history of the site, the location and nature of residual contamination, and relative risks associated with the Refuge. |
| 32-14 | 8) Is DOE considering, as it cleans up the property, the uses to which the property will potentially be put? For instance, does DOE consider that some recreational activities, like horseback riding, could disturb contaminated soils and send particles into the air? | |
| 32-15 | 9) There is absolutely no discussion of whether horse use, hiking, bicycle use, etc. could disrupt soil and dirt in a way that would release potentially dangerous particles in the air. | 32-9. The EPA and CDPHE have indicated that subsurface contamination does not exist in the area that will become the Refuge. The DOE will be responsible for the protection of the remedy facilities within the portions of the DOE retained area where subsurface contamination will remain, which includes preventing prairie dogs or other burrowing animals from accessing subsurface contamination. While the Service will not be responsible for prairie dogs within the DOE retained area, and while subsurface contamination should not be an issue on the Refuge, as a management partner with the DOE it would be prudent for the Service to maintain a sustainable prairie dog population and to keep those populations away from the DOE retained area. |
| 32-16 | 10) Various studies show that between 20-32% of children between the ages of 1 and 6 are pica children, meaning that they eat soil and other non-food items—up 8 oz per day. What hazards lie in store for such children who may visit the refuge with their parents. | |
| 32-17 | 11) Please explain further the impacts on human health of a “seamless Refuge.” | 32-10. As directed by the Refuge Act, the DOE will retain jurisdiction over any response actions and will be responsible for the long-term monitoring that is required under CERCLA. However, as addressed in response to comments 32-2 and 32-3, the area that will become the Refuge is currently clean enough to not require any response actions and will include only those areas that are protective of human health on the Refuge. |
| 32-18 | <u>Transition from DOE to FWS</u> FWS actions necessarily depend on DOE’s clean up actions. How will FWS prevent exposure to hazardous materials and prevent disturbances to where cleanup has not been achieved? How does FWS plan to manage access to contaminated sites? And what is the validity of the level which forms the bright line above which land will be considered contaminated, but below which it will be considered an appropriate place for active recreation? What exactly does it mean to be a “seamless refuge” and does this action protect human health? | |
| 32-19 | <u>Impacts to Wildlife</u> 1) The DEIS states that “hunting to control wildlife populations would be permitted under all action alternatives.” Hunting is not currently allowed at Rocky Flats. Can FWS point to any scientific data indicating that the deer population is not now currently optimum, given the size of the habitat, and self-regulating? If deer populations have remained stable and in an acceptable range, why is hunting necessary or even advisable? Is consumptive use of | |

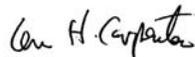
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| 32-20 | <p>fish and wildlife advisable given the history of Rocky Flats? Has FWS studied this question? 2) Has FWS evaluated the effect of burrowing animals in or near to clean up sites?</p> | <p>32-11. The proximity to a Superfund site within the DOE retained area will not appreciably affect the management of the Refuge. The Service will continue to work with the DOE to facilitate long-term monitoring, and coordinate habitat management issues and emergency response.</p> |
| 32-21 | <p><u>Impacts due to Fire</u> Wildfires have not been allowed to burn and only one controlled burn has been conducted on Rocky Flats since 1972. (DEIS p. 103). FWS plans to have controlled burns. Has FWS or any other agency evaluated how controlled burns could effect residual contamination? Has FWS or any other agency evaluated the extent to which toxic material in contaminated soils would be exposed after a controlled burn, or would be dispersed into the environment during a burn?</p> | <p>32-12. See response to comment 32-3. 32-13. See responses to comments 32-2 and 32-3.</p> |
| 32-22 | <p>4. The Precautionary Principle supports limiting public access until further information is known, studies have been done to evaluate potential environmental impacts, the public is assured that the Refuge is safe for visitation, and that visitation will not cause further releases and dispersion of toxic material and radionuclides.</p> <p>In summary, the DEIS is devoid of any information or discussion on the potential adverse effects from hazardous substances. Given this, it is virtually impossible for the public to adequately assess the impacts of the alternatives. The FEIS should summarize and reference information on the potential adverse effects from hazardous substances, and from the effects of human, wildlife and natural actions and interactions on these hazardous substances. The public needs more information regarding residual contamination after remediation and details about what monitoring will occur, who is responsible for it, whether it will occur on the Refuge or only on the DOE retained-lands, and how often it will occur.</p> <p>FWS cannot just assume that the site will be cleaned up to a level that makes any of the activities proposed under the various alternatives “safe” for the environment. If FWS is assuming that clean up poses no risk to human health and the environment, the EIS should say so, rather than pretend this is not a question at all. These questions must be addressed. Conclusory statements about the impact of these proposed activities do not meet the requirement of NEPA that FWS consider environmental impacts of the proposed federal action.</p> <p>Thank you for considering these comments. Sincerely,</p>  <p>Kathleen E. Becker Sierra Club Rocky Mountain Chapter Rocky Flats Committee</p> <p>1806 Walnut Hollow Lane, Boulder CO 80302 720 406-8659 5</p> | <p>32-14. The lands that will become the Refuge will not require any cleanup, because contamination levels are very low. The DOE will retain all of the areas that will be actively cleaned up, as well as areas subject to long-term monitoring.</p> <p>32-15. See responses to comments 32-3 and 32-12. 32-16. See response to comment 32-3. 32-17. See responses to comments 32-2 and 32-8. 32-18. See response to comment 32-10.</p> <p>32-19. The Service does not believe that there is an “optimum” population size at which the deer population will be self-regulating. While the Service considers the deer at Rocky Flats to be “resident,” they are part of a larger management unit that fluctuates annually based on habitat conditions and other factors. For this reason, the Service proposes to establish a target population range that would guide wildlife and habitat management on the Refuge. Hunting would be used as a management tool to control deer and elk populations. Hunting also would be a recreational activity that would be compatible with the purposes and management of the Refuge. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation.</p> <p>With regard to the consumption of deer and elk meat, tissue samples, including edible meat tissues, of deer harvested at Rocky Flats in 2002 have been analyzed for contaminants. The results of the analysis indicate that there is no significant uptake of contaminants by deer or other wildlife species at Rocky Flats.</p> |

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| | | <p>32-20. See response to comment 32-9.</p> <p>32-21. See response to comment 32-2. The EPA and CDPHE have indicated that all of the proposed Refuge management activities, including prescribed fire, would be safe (Appendix D). However, in response to concerns about residual contamination, the Service does not propose using prescribed fire on the eastern portion of the Refuge between Walnut Creek to the north and Woman Creek to the south (Figure 10).</p> <p>32-22. See response to comment 32-2.</p> |

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| 33-1 |  <p data-bbox="583 342 808 407">Steve C. Murdock Colorado Coordinator Wheelin' Sportsmen - NWTF</p>   <p data-bbox="352 505 619 586">Ms. Laurie Shannon, Planning Team Leader Rocky Flats National Wildlife Refuge U.S. Fish and Wildlife Service Rocky Mtn. Arsenal, Building 121 Commerce City, CO 80022</p> <p data-bbox="352 613 527 630">Wednesday, March 17, 2004</p> <p data-bbox="352 639 625 656">Re: Proposed usage plan "B" for Rocky Flats</p> <p data-bbox="352 665 640 682">Dear Ms. Shannon and USFWS Planning Team,</p> <p data-bbox="352 691 1029 756">I am writing to express the <i>strong</i> support of the Colorado Wheelin' Sportsmen-NWTF organization for your alternative management plan for Rocky Flats for Wildlife, Habitat, and Public Use (referred to as "Plan B"). I have reviewed each of your proposed management plans and am very excited about the prospects of "Plan B" and the possibility of increased outdoors opportunities for the disabled and youth of Colorado.</p> <p data-bbox="352 766 1050 831">If I may, I would like to tell you a little bit about our organization. <i>Wheelin' Sportsmen-NWTF</i> was founded in 1996 as an outreach program of the <i>National Wild Turkey Federation</i>. Currently, the Wheelin' Sportsmen organization includes some 10,000 disabled members nationwide, with nearly 300 members in Colorado. <i>Wheelin' Sportsmen-NWTF</i> is dedicated to the purpose of providing outdoor opportunities to ALL disabled people.</p> <p data-bbox="352 850 1039 932">As our parent organization, the <i>National Wild Turkey Federation</i> is a 500,000-member grassroots, nonprofit organization with members in 50 states, (including over 4,000 members in Colorado.) The <i>NWTF</i> supports scientific wildlife management on public, private and corporate lands as well as hunting as a traditional American sport. The <i>NWTF</i> sponsors 3 nationwide outreach programs: <i>Women In The Outdoors</i>, <i>J.A.K.E.S.</i> (Juniors Achieving Knowledge, Ethics & Sportsmanship) and <i>Wheelin' Sportsmen-NWTF</i>.</p> <p data-bbox="352 951 1050 1097">Approximately 50 million individuals in the United States live every day with some type of disability. Unfortunately, their opportunities to participate in outdoor activities are very limited and often nonexistent. At <i>Wheelin' Sportsmen-NWTF</i>, our emphasis is placed on providing opportunities through events and programs in a manner that would eliminate <i>no one</i> from participating in the great outdoors. Wheelin' Sportsmen's team concept of pairing the disabled participants with able-bodied partners is a process that provides opportunities and, at the same time, promotes awareness. Wheelin' Sportsmen events are designed to overcome barriers that prevent or limit the disabled from enjoying the outdoors. The activities we provide for the disabled community include hunting, fishing, camping, wildlife photography, hiking, boating, outdoors skills—and just about anything else that our participants desire to do in the great Colorado outdoors!</p> <p data-bbox="352 1117 1045 1198">Colorado is a veritable haven for persons with disabilities. Due to the active lifestyle and countless recreational opportunities to be found in Colorado (even for someone with a disability) Colorado acts as a "magnet" to draw disabled sportsmen and women to its borders. At the same time, too many Coloradans are often faced with a sudden disability (either temporary or permanent) as a result of that active lifestyle. The Wheelin' Sportsmen organization generally deals with two types of disabled people—</p> <p data-bbox="352 1218 1045 1347">1) those who have begun life as "able-bodied"—perhaps spending most of a lifetime enjoying outdoor pursuits like hunting, fishing, etc.—and suddenly find themselves facing great physical challenges in being able to enjoy the same things they did prior to their accident or illness. For that reason, many medical and therapeutic facilities often use hunting, fishing and other outdoor pursuits as a means to reacclimatize their patients to life with a newly-gained disability or impairment. An example of such is our Wheelin' Sportsmen partnership with the world-renown <i>Craig Rehabilitation Hospital</i> in Denver, which regularly hosts out-patient activities such as hunting and fishing as a rehab tool for patients in their <i>Therapeutic Recreation</i> department. Wheelin' Sportsmen makes it our business to help those folks <i>find a way</i> to regain their involvement in the outdoors to the greatest extent physically possible!</p> | 33-1. Thank you for your comments. |

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| 33-2 | <p>2) those who (<i>like me</i>) begin life with a physical challenge—a birth defect, an infant illness, or other malady that leaves them permanently disabled. In many cases, these folks (<i>no matter whether young or old</i>) have not had the same opportunities as the “able-bodied” to make that first exciting venture into the outdoors. <i>Those who have</i> are invariably in search of ways to make their time in the outdoors more rewarding and memorable!</p> <p>There is no way that I can describe to you the sense of awe and wonderment that brightens the face of a disabled outdoorsman the very first time that he or she touches the curved horn of a downed trophy bull elk or enjoys the splash of a glistening rainbow trout at the other end of a wetted line. The Wheelin’ Sportsmen-NWTF organization works diligently to help make that possible.</p> <p>That’s where you, the USFWS can help us! By adopting management plan “B” for Wildlife, Habitat, and Public Use at Rocky Flats, your organization can open a <i>tremendous</i> door for the disabled community in Colorado (and the nation) to enjoy outdoor activities such as hunting and fishing right here in our own backyard. And, please know that Colorado Wheelin’ Sportsmen-NWTF will be fully committed to offering our services in any way that we can in order to help facilitate usage of the Rocky Flats properties by our disabled community.</p> <p><i>It’s that important to us...</i> to work not only for the conservation and preservation of our American natural resources, but just as much for the <i>conservation and preservation of people in our community</i>—disabled, youth, families—<i>citizens</i> who have experienced first-hand and understand the value and fragility of the wildlife and other natural resources that co-exist in a miraculous place like Rocky Flats. As a Coloradoan with a disability, a state board member of the <i>National Wild Turkey Federation</i> and a volunteer coordinator of the Wheelin’ Sportsmen effort in Colorado, I am dedicated (along with thousands of others like me) to just <i>that</i> proposition.</p> | 33-2. Thank you for your comments. |
| 33-3 | <p>Thanks very much for your time and attention. I have enclosed some additional publications about <i>Wheelin’ Sportsmen-NWTF</i> as well as the other outreach programs of the <i>National Wild Turkey Federation</i> for your perusal. It is my hope that they will encourage you as to the potential positive effect that your decision can have on the lives of Coloradoans who share the same values as the USFWS. Please feel free to contact me if I can provide any further input into this process, as I would consider it a privilege to do so!</p> <p>Best regards...and thanks for all the USFWS does for our great country!</p> <p><i>Steve Murdock</i> Colorado coordinator Wheelin’ Sportsmen – NWTF 36844 Marlin Court Elizabeth, CO 80107</p> <p>303-646-6454 (hm/ofc) 303-947-5113 cell email: CoWSNWTF@AOL.com www.cowheelinsportsmen.org</p> | 33-3. Thank you for your comments. |

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| <p>34-1</p> <p>34-2</p> <p>34-3</p> <p>34-4</p> |  <p>Wildlife Management Institute</p> <p>Len H. Carpenter, Field Representative 4015 Cheney Drive • Fort Collins, Colorado 80526 Phone (970) 223-1099 • Fax (970) 204-9198 lenc@verinet.com</p> <p>ROLLIN D. SPAROWE President RICHARD E. McCABE Vice-President</p> <p>March 30, 2004</p> <p>Rocky Flats National Wildlife Refuge Attn: Laurie Shannon U.S. Fish and Wildlife Service Rocky Mountain Arsenal, Bldg 121 Commerce City, CO 80022</p> <p>Dear Ms Shannon:</p> <p>I am the Southwest Field Representative for the Wildlife Management Institute. The Institute is a private, nonprofit, scientific and educational organization founded in 1911 and dedicated to the restoration, conservation, and sound management of natural resources, especially wildlife and their habitats, in North America. Following are my comments on the draft Comprehensive Conservation Plan (CCP) and EIS for the Rocky Flats National Wildlife Refuge.</p> <p>First, planning team members are to be recognized for their work in preparing the draft plan. It is informative, organized well, and easy to read.</p> <p>The Institute agrees that Alternative B should be the preferred alternative. This alternative presents the overall best balance between resource protection and visitor opportunity. The Institute also supports provisions of Alternative B allowing limited recreational hunting on the refuge. As indicated in the plan, it is highly probable that deer and elk populations on the refuge will have to be managed to prevent degradation of other resources. The choice to provide limited public hunting is preferred to a culling activity.</p> <p>It is suggested the list of plans to be prepared presented on page 9 be amended to include a Hunting Management Plan. It is stated later in the Plan that a hunting management plan would be prepared so it should be added to the list. It is also very important that the Colorado Division of Wildlife be a key participant in the drafting of the hunting plan.</p> <p>Washington, DC Office: 1101 14th Street, NW • Suite 801 • Washington, DC 20005 • Phone (202) 371-1808 • FAX (202) 408-5059</p> | <p>34-1. Thank you for your comments.</p> <p>34-2. The Service has recommended for implementation a modified version of Alternative B.</p> <p>34-3. The Service believes that limited public hunting would be compatible with the purposes and management of the Refuge, and that it would provide an additional management tool for deer and elk populations. Objective 1.6 – <i>Deer and Elk Management</i>, and Objective 2.10 – <i>Hunting Program</i>, have been revised to better correlate the establishment and analysis of target population size and public hunting programs, and to clarify that hunting would be used as both a population management tool and a form of wildlife-dependent public recreation.</p> <p>34-4. As described in Section 1.9 <i>Future Planning</i>, a step-down Hunting Plan would be a component of a Visitor Services Plan. The Colorado Division of Wildlife would be an important partner in the development of a Hunting Management Plan, as well as the ongoing implementation of the hunting program.</p> |

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| 34-5 | <p>The preferred alternative should include aggressive plans to address invasive weeds. Alternative B includes development of an integrated Pest Management Plan and the use of both biological and chemical control methods. This is good and should be a priority in the CCP.</p> | <p>34-5. The Service agrees that aggressive weed management, including the development and implementation of an Integrated Pest Management Plan, should be an important component of the CCP. Alternative B includes the Services most aggressive weed management objectives and strategies.</p> |
| 34-6 | <p>The Institute supports plans in Alternative B for managing growth of black-tailed prairie dogs on the refuge. To minimize impacts to other resources and maximize restoration of degraded habitats it will be necessary from time to time to control growth of prairie dog towns. Restoration of native plant and animal species on the refuge is also supported by the Institute and should be encouraged. Consequently, we suggest that provisions for more extensive habitat restoration and monitoring currently included in Alternative C be integrated into the preferred alternative. We feel this could be done without significantly altering the intent of Alternative B.</p> | <p>34-6. The Service acknowledges that prairie dogs are an important component of the prairie ecosystem because of their contributions to community structure and ecosystem function. However, the Service also agrees with the Wildlife Management Institute that any unsustainable growth of prairie dog communities may need to be managed to prevent adverse impacts to other species or communities, for restoration of degraded habitats, or to prevent the spread of prairie dogs into the DOE retained area.</p> |
| 34-7 | <p>The Institute also supports inclusion of opportunities for compatible scientific research on the refuge. Opportunities for students at Universities and Colleges to conduct research on the refuge should be sought and supported.</p> | <p>34-7. Anticipated funding levels do not allow for limited public use and the highest levels of habitat restoration and monitoring. However, the Service believes that the funding and programs in Alternative B will be sufficient to protect and enhance important wildlife habitat on the Refuge.</p> |
| 34-8 | <p>On page 13, under provisions of Alternative C, it is proposed that any refuge facilities would be built for specific resource protection and management purposes. Because of this, office space would be leased off-site. We suggest this might be a worthy provision to include in the preferred alternative. We are concerned development of office and other associated administrative facilities will significantly reduce opportunities to reduce the footprint of development on this refuge. Please consider how necessary administrative facilities can be accommodated without unnecessary impacts on natural resources.</p> | <p>34-8. The Service acknowledges the value of compatible scientific research opportunities on the Refuge, and would promote such opportunities.</p> |
| 34-9 | <p>Finally, we concur that level of staff indicated in the preferred alternative is desirable. Federal budget restrictions make it doubtful that resources available to the refuge will be sufficient to staff at the maximum level. In fact, a concern we have is what level of activity within each alternative will be done if less than desired fiscal or human resources are received? In other words, we wonder what are the priority goals, objectives, and strategies? We suggest that the final EIS address this concern.</p> | <p>34-9. As described in Section 4.4 of the DEIS and FEIS, Refuge facilities, including public use and maintenance facilities, would effect 1.1 acres of the Refuge. The Service believes that the benefits of a management presence on-site outweigh the minor effects that the necessary facilities would have on Refuge resources. Because the Refuge would be part of the Rocky Mountain Arsenal National Wildlife Refuge complex, the necessary office space for Rocky Flats would be limited to the needs of on-site staff. The effects of these impacts would be minimized by co-locating office, maintenance, and public use facilities, and by constructing those facilities in areas that are already disturbed or degraded, and do not impact important wildlife habitat. Objective 6.2 – <i>Operations and Management Facilities</i> has been revised to include measures to minimize habitat disturbances. The Service has expressed an interest in co-locating Refuge offices and/or visitor facilities with the proposed Cold War Museum, if such a museum is established within close proximity to the Refuge entrance.</p> |
| 34-10 | <p>Thanks for the opportunity for comment. Please be sure I receive future documents relating to this plan.</p> | |
| 34-11 | <p>Sincerely,</p>  <p>Len H. Carpenter</p> | |

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| | | <p>34-10. In accordance with the Service’s “wildlife first” mission, those management objectives pertaining to wildlife and habitat management and protection would take precedence over public use activities.</p> <p>34-11. Thank you for your comments.</p> |